

Title 19: Development Code

City of Henderson, Nevada

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19.1.1 Title

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

19.1.2 Effective Date

This Code shall take effect and be in force from and after the date of adoption.

19.1.3 Authority

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 Whenever any provision of this Code refers to or cites a section of the NRS and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.

19.1.4 Purpose and Intent

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

- A. Regulate and control the division of land to encourage convenient, compatible, and efficient relationships among land uses;
- B. Prescribe effective and appropriate housing densities and limit overcrowding of land or buildings;
- C. Protect life and property in areas subject to floods, landslides, and other natural disasters;
- D. Preserve the sense of community in residential neighborhoods, including rural neighborhoods;

- E. Implement and ensure consistency with the City of Henderson Housing and Community Development Strategy;
- F. Encourage innovation in residential development and redevelopment with a greater variety of housing products and unit designs that meet the needs of a range of income levels and ages;
- G. Preserve and protect uses of land that provide employment opportunities to City residents;
- H. Support economic development efforts that seek to make capital investments, increase the City’s tax base, or provide access to quality job opportunities;
- I. Encourage timely, orderly, and efficient arrangement of public facilities and services;
- J. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities, or other public facilities and services;
- K. Promote the economic stability of existing land uses that are consistent with the Henderson Strong Comprehensive Plan;
- L. Consider the immediate and long-range financial impact of the application of particular kinds of development to particular land, and the relative suitability of the land for development;
- M. Enhance the quality of development through superior building and site design;
- N. Promote water conservation that is consistent with the Southern Nevada Water Authority’s water resource planning efforts;
- O. Ensure the provision of adequate open space for light, air, and fire safety; thoughtfully integrate development and redevelopment with the desert environment to conserve open space and protect natural and scenic resources;
- P. Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide recreational needs;
- Q. Consider access to solar resources by ensuring the height of new buildings is compatible and appropriate considering the solar pattern on surrounding developments;
- R. Reduce the consumption of energy by encouraging the use of products and materials that maximize energy efficiency;
- S. Encourage the improved design and effective use of the built environment through the use of CPTED (Crime Prevention through Environmental Design) principles for the purpose of reducing the fear and incidence of crime, and to improve quality of life;
- T. Require the provision of adequate off-street parking and loading facilities with opportunities for shared and reduced parking, and promote a safe and effective multi-modal transportation system;
- U. Develop a timely, orderly, accessible, and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles; and
- V. Regulate and control the type, placement, and physical dimensions of signs, and encourage innovative sign design; and
- W. Enforce this Code as necessary to preserve and protect the purpose and intent of this Code.

19.1.5 **Applicability and Jurisdiction**

- A. **Applied to All Lands.**
 - 1. This Code applies to all land, buildings, structures, and uses thereof located within the City.

2. To the extent allowed by law, the provisions of this Code shall apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, county, state, or federal government agency in the City. Where the provisions of this Code do not legally apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Code.
- B. **Compliance Required.** No land shall be used or divided, and no structure shall be constructed, occupied, enlarged, altered, moved, or removed until:
1. All applicable development review and approval processes have been followed;
 2. All applicable approvals have been obtained; and
 3. All required permits and authorizations to proceed have been issued.
- C. **Emergency Powers.** The City Council (Council) may authorize deviations from any provision of this Code during a local emergency. Such deviations shall be authorized by resolution of the Council without a requirement for prior notice or public hearing.

19.1.6 Conflicting Provisions

- A. **Conflict with State or Federal Regulations.** If any provision of this Code is inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.
- B. **Conflict with Other City Regulations.** If the provisions of this Code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the City, the more restrictive provision shall control.
- C. **Conflict with Private Agreements.** It is not the intent of this Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, or any covenants, conditions, and restrictions (CC&Rs), or any other agreement between private parties. If the provisions of this Code impose a greater restriction than imposed by a private agreement, the provisions of this Code will control the private parties. If the provisions of a private agreement impose a greater restriction than this Code, the provisions of the private agreement will control the private parties. The City is not responsible for interpreting, monitoring, or enforcing private agreements, including CC&Rs, to which the City is not a party.

19.1.7 Relationship to the Comprehensive Plan

- A. **Purpose and Role.** The Henderson Strong Comprehensive Plan serves as the basic policy guide for the administration of this Code. The goals, vision, recommendations, and policies of the Henderson Strong Comprehensive Plan may be amended from time to time to meet the changing requirements of the City in accordance with the standards and procedures in HMC Section 19.21.2, Comprehensive Plan Amendments.
- B. **Effect.** All development and redevelopment within the City shall be consistent with the applicable provisions of the Henderson Strong Comprehensive Plan, as adopted or amended by Council. Amendments to the text of this Code (HMC Section 19.21.3, Development Code Text Amendments) or rezoning of land (HMC Section 19.21.4, Zone Change/Zoning Map Amendments) may be required in order to ensure compliance with this section.

19.1.8 Official Zoning Map

- A. **Zoning Map Boundaries.** The boundaries of the zoning districts established in this Code are shown on a map or series of maps designated the “zoning map,” which is adopted and made part of this Code. In case of any dispute regarding the zoning classification of land subject to the Code, the original maps

maintained by the Community Development and Services Director (Director) control. Questions or disputes regarding zoning designations shown on the zoning map shall be taken to the Director.

- B. **Interpretation of Map Boundaries.** The Director shall be responsible for interpretations of the zoning map in accordance with the standards in HMC Chapter 19.36, Interpretation of the Development Code, and the following standards:

1. Boundaries delineated by the centerline of streets, highways, or alleys shall follow such centerlines.
2. Boundaries delineated by lot lines shall follow such lot lines.
3. Boundaries delineated by railroad lines shall be midway between the main tracks or the centerline of a single track.
4. Boundaries dividing a lot or transecting un-subdivided land shall be determined using the scale appearing on the zoning map unless the boundary location is indicated by dimensions shown on the map.
5. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
6. Where the actual location of existing physical or natural features varies from those shown on the zoning map, or in other circumstances not covered by this subsection, the Director has the authority to interpret the district boundaries. Appeals of the Director's decision shall be reviewed by the Planning Commission (Commission) in accordance with HMC Chapter 19.19, Common Review Procedures.

19.1.9 Transitional Provisions

- A. **Continuity of Provisions.** The provisions of this Code that are substantially the same as previously existing Code provisions relating to the same subject matter shall be construed as restatements and continuations and not new enactments. Any actions or proceedings commenced or permits issued pursuant to any previously existing ordinance shall not be affected by the enactment of this Code, but such actions, proceedings, and permits shall hereafter conform to this Code.
- B. **Violations Continue.** Any violation of a previously existing Code provision will continue to be a violation under this Code and be subject to penalties and enforcement under HMC Chapter 19.35, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Code.
- C. **Legal Nonconformities Under Prior Code.** Any legal nonconformity under a previously existing Code provision will also be a legal nonconformity under this Code, as long as the condition that resulted in the nonconforming status under the previous Code continues to exist. If a nonconformity under a previously existing Code provision becomes conforming because of the adoption of this Code, then the condition will no longer be a nonconformity.
- D. **Uses, Lots, Structures, and Site Rendered Nonconforming.**
1. When a lot is used for a purpose that was a lawful use before the effective date of this Code and this Code no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of HMC Chapter 19.15, Nonconformities.

2. Where any building, structure, lot, or development site that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, lot, or site shall be considered nonconforming and shall be controlled by the provisions of HMC Chapter 19.15, Nonconformities.

E. Approved Projects.

1. Use permits, variances, architectural or design approvals, master plan overlays, and tentative subdivision maps, including planned unit developments, any of which are valid on the effective date of this Code, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
2. No provision of this Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date of this Code.
3. The Director may renew or extend the time of a previous approval of an application that was administratively approved if the required findings or criteria for approval in effect under the prior Code remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted. The Director shall provide written notice of any approved extension to the City Clerk, who shall be responsible for posting notice of the approved extension in City Hall. The notice shall remain in place for at least 10 days from the date of the City Clerk's receipt of notice.
4. Any re-application for an expired project approval shall meet the Code requirements in effect at the time of reapplication.

F. Map Interpretations. Questions or disputes regarding zoning designations on the zoning map resulting from adoption of this Code shall be submitted to the Director for written interpretation in accordance with HMC Chapter 19.36, Interpretation of the Development Code.

19.1.10 Severability

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

- A. If any section, subsection, sentence, or phrase of this Code is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this Code shall not be affected.
- B. If any court of competent jurisdiction invalidates the application of any provision of this Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C. If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

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19.2.1 Purpose and Applicability

The purposes of the Residential Zoning Districts are to:

- A. Support responsible growth and development patterns to minimize urban sprawl;
- B. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards of public health and safety established by this Code;
- C. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, overcrowding, traffic congestion, and other significant adverse environmental effects;
- D. Protect residential areas from hazardous activities, fires, explosions, landslides, toxic fumes and substances, and other public safety hazards;
- E. Provide for residential lands with varying densities and types of housing to offer a variety of well-designed universal housing options to meet the needs of all residents;
- F. Allow low-intensity, resident-serving, nonresidential uses within some residential areas to minimize the need for travel and to encourage vibrant neighborhoods; and
- G. Ensure the provision of public services and facilities needed to accommodate planned population densities to encourage healthy, livable neighborhoods; and
- H. Protect and enhance the overall character and quality of life of each residential district.

Additional purposes of each Residential Zoning District:

Low-Density Single-Family Residential (RS-1, RS-2, RS-4, RS-6, and RS-8). The RS-1, RS-2, RS-4, RS-6, and RS-8 districts are established to accommodate a variety of residential use types in a residential neighborhood setting. The districts also allow for a limited number of public and institutional uses, and similar compatible uses that may be appropriate in a residential neighborhood environment.

Medium-Density Residential (RM-10 and RM-16). The RM-10 and RM-16 districts are established to provide opportunities for a wide range of medium density housing options, including attached and detached single-unit dwellings, townhouses, condominiums, apartment buildings, and affordable housing units. The districts also allow for a limited number of public and institutional uses, and similar compatible uses that may be appropriate in a medium-density residential environment.

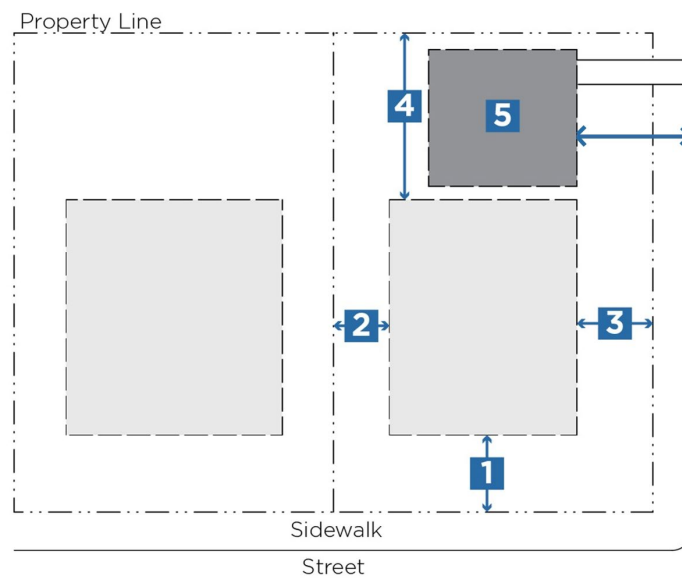
High-Density Multifamily Residential (RH-24 and RH-36). The RH-24 and RH-36 districts are established to provide opportunities for a variety of high-density residential development designed to be compatible with their sites and surroundings. Housing options include single-unit attached, townhouses, condominiums, apartment buildings, and affordable housing units. The districts also allow for a limited number of public and institutional uses, and similar compatible uses that may be appropriate in a high-density residential environment.

Manufactured Home Residential (RMH). The RMH district is established to provide appropriate locations for mobile/manufactured home park sites, parks for permanent residents, parks with rental spaces, and parks where spaces are individually owned in a mobile/manufactured home estate subdivision.

19.2.2 Development Standards

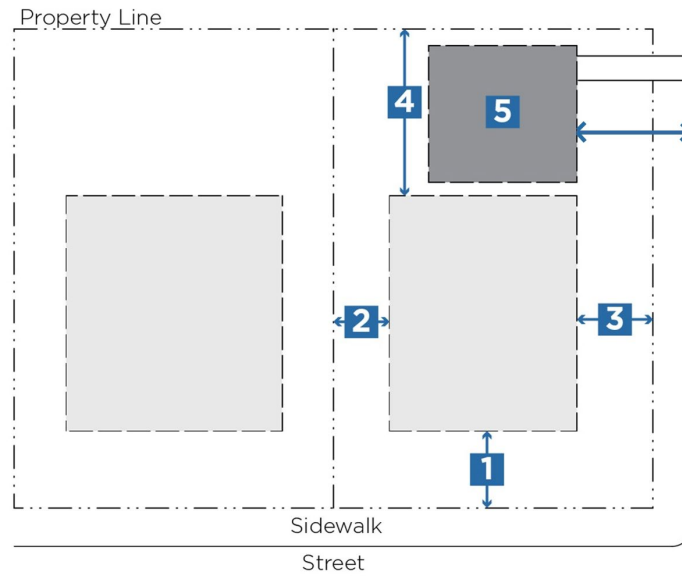
Table 19.2.2-1, Development Standards – Residential Districts, establishes the dimensional and development standards for Residential Districts. The number indicated in the name of each zoning district correlates to the maximum density allowed in that zoning district. Additional regulations are noted in the right column. Letters in parentheses refer to additional development standards that directly follow the table.

TABLE 19.2.2-1, DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS

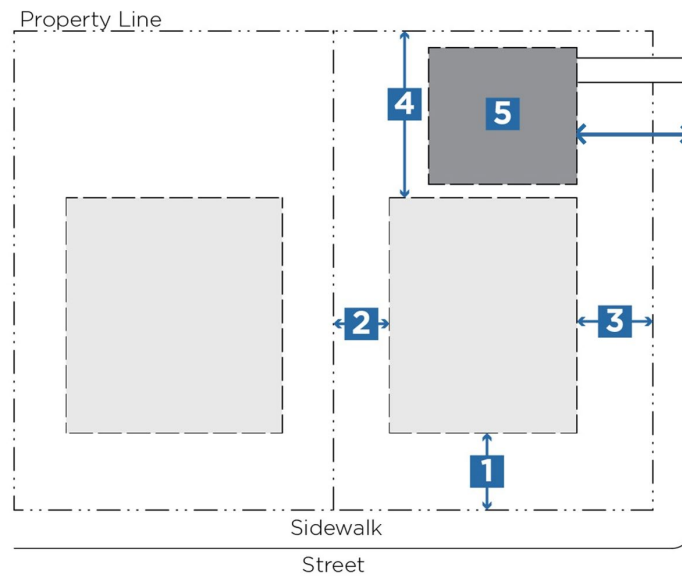


Standard	RS	RM	RH	RMH ¹	Callout
Lot Standards					
District Size (min.) (ac.)	NA	RM-10: NA	NA	10	
		RM-16: NA			
Lot Area (min.) (sq. ft.)	RS-1: 40,000	3,000 ²	NA	2,800	
	RS-2: 20,000				
	RS-4: 10,000				
	RS-6: 6,000				
	RS-8: 4,000 ²				
Height Standards					

TABLE 19.2.2-1, DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS



Standard	RS	RM	RH	RMH ¹	Callout
Primary Building (max.) (ft.)	35	45	60	15	
Building Placement Standards					
Required Min. Setbacks (A)					
Front (ft.)	RS-1, RS-2: 20	10	10	10	1
	RS-4, RS-6, RS-8: 10				
Interior Side (ft.)	RS-1, RS-2: 10	5 (A)	10	0	2
	RS-4, RS-6, RS-8: 5				
Corner Side (ft.)	RS-1, RS-2: 15	10 (A)	5	5	3
	RS-4, RS-6, RS-8: 10				
Rear (ft.) ³	RS-1, RS-2: 25	10	15	0	4
	RS-4, RS-6, RS-8: 15				
Parking Standards					
Required Min. Setbacks					

TABLE 19.2.2-1, DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS

Standard	RS	RM	RH	RMH ¹	Callout
Front-loaded garage from street facing lot line (ft.)	20	20	20	NA	
Rear-loaded garage from alley (ft.)	RS-1, RS-2: NA RS-4, RS-6, RS-8: Min: 3-5 or 19 if surface parking provided	Min: 3-5 or 19 if surface parking provided	Min: 3-5 or 19 if surface parking provided	NA	
Surface Parking from existing ROW (ft.)	NA	40(B ⁴)	40(B)	NA	5
Open Space Standards					
Open Space (min.) (sq. ft./dwelling unit)	RS-1, RS-2, RS-4, RS-6: NA	RM-10: 500	300	500	
	RS-8: 500	RM-16: 300			

Notes:

- 1 The max. density in the RMH district is 8 du/ac.
- 2 The required lot area may be reduced for single-family attached dwelling units to 2,000 sq. ft. in RS-8, 1,600 sq. ft. in RM-10, and 1,400 sq. ft. in the RM-16 zoning districts.
- 3 The rear setback for alley loaded product shall be at least 19 feet from the edge of the alley/property line when surface parking is provided between the garage and the alley, or 3 to 5 feet (based on driveway length) if no surface parking is provided.
- 4 Letters in parentheses refer to additional development standards that directly follow the table.

A. **Setbacks.**

1. Attached residential housing products may abut lot lines along common walls.
2. The side setback for single family attached homes applies to the ends of buildings. See also HMC Section 19.10.2.D.5, Building Separation.
3. If adjacent to a single-family detached development, or adjacent to an undeveloped site with land use that specifically supports development of single-family detached homes, attached residential and multi-family housing products must be setback a distance equal to the building height from the lower density residential boundary/property line and meet buffer requirements, as listed in HMC Chapter 19.11, Landscaping Standards.
4. Average front setbacks may apply in some areas (see HMC Section 19.10.2.B, Residential Design Standards).

B. **Parking Placement in RM and RH Districts.** Parking may be located within the required setback, subject to the following requirements.

1. Surface parking may be located within 40 feet of an existing right-of-way when the Director makes the following findings.
 - a. Buildings are built as close to the public sidewalk as feasible; and there is an existing utility easement that prohibits structures, and the best use of the land under the circumstances would be surface parking.
2. Surface parking may be located within the side or rear setbacks only if a minimum five-foot setback is maintained.

19.2.3 Supplemental Regulations

A. **Minimum Lot Size Reduction.** The intent of this subsection is to provide a variation of lot sizes and affordable product types within a subdivision. For the purposes of allowing relief and flexibility to the strict application of the lot size standards found in HMC Section 19.2, reductions in minimum lot sizes may be considered if the following is met:

1. There must be at least two distinct lot sizes, lot widths, and product types provided.
2. Up to 30% of the total number of lots within the subdivision may utilize the reduced minimum lot size found in this subsection.
3. The minimum lot size can be reduced up to 20% of the base zoning district requirements.
4. The average lot size of the entire subdivision must meet the minimum lot size of the base zoning district stated in Table 19.2.2-1.
5. The tentative map must show the typical lot dimension for each product type being proposed and clarify which product type will go on each lot.
6. The Director shall have final determination of what constituents distinctly different lot sizes and products.
7. Any RS-1-zoned parcel less than 40,000 square feet in area but that is one-fifth or more of the net area of what was originally a government-created five-acre parcel shall be considered to contain 40,000 square feet (regardless of lot size).

8. Any RS-2-zoned parcel that is less than 20,000 square feet in area, but that is one-tenth or more of the net area of what was originally a government-created five-acre parcel shall be considered to contain 20,000 square feet (regardless of lot size).
- B. **RS-8 District.** The following standards apply to mixed-use and nonresidential development in the RS-8 District.
1. On all development on corner lots, an applicant shall designate the location of the front property line at the time of entitlement application.
 2. All development is subject to concept plan review requirements in HMC Subsection 19.19.4.C, Concept Plan Review, and planned unit development overlay requirements in HMC Section 19.8.6, Planned Unit Development Overlay District.
- C. **RM-10 District.**
1. **Garages.** Two-car garages are required for each detached single-family residential dwelling unit. Single-car garages may be permitted for small-lot residential products when a minimum 20 foot driveway is provided. Garages must comply with the minimum garage dimensions outlined in HMC Section 19.12.8 Parking Area Design Standards.
 2. **Porches.**
 - a. Porches must be set back eight feet from any property line.
 - b. Porches must be at least 36 square feet in area with a depth of at least six feet.
- D. **RMH District.**
1. All structures must be consistent with the following additional setback requirements:
 - a. 15 feet from a street/common driveway, and/or
 - b. 20 feet from the district perimeter.
 2. Recreational facilities may have a maximum height of 30 feet.
 3. Manufactured homes are subject to additional use standards outlined in HMC Section 19.10.2.E., Standards for Manufactured Homes.

Chapter 19.3 Mixed-Use Zoning Districts

Sections:

19.3.1 Purpose and Applicability

19.3.2 Development Standards

19.3.1 Purpose and Applicability

The purposes of the Mixed-Use Zoning Districts are to:

- A. Provide for the orderly, well-planned, and balanced development of mixed-use districts.
- B. Encourage a mix of uses that promotes convenience, economic vitality, fiscal stability, corridor revitalization, and a pleasant quality of life.
- C. Promote pedestrian- and transit-oriented, mixed-use commercial centers at corners and intersections.
- D. Establish design standards that improve the visual quality of development and create a distinctive and attractive character along streets.
- E. Provide appropriate transitions between commercial and residential uses to preserve commercial and mixed-use feasibility and residential quality.

Additional purposes of each Mixed-Use Zoning District:

Regional Mixed-Use (MR). The MR district is intended to support a wide urban-scale mixed-use development in attractive and pedestrian-friendly regional centers. It accommodates large-scale, mixed-use development with a variety of nonresidential uses, including major employers, restaurants, theaters, lodging, offices; a broad mix of complementary uses, including high-density multifamily housing, major civic and public facilities, parks, and open space; and pedestrian-friendly elements, such as connections to transit facilities and community gathering spaces.

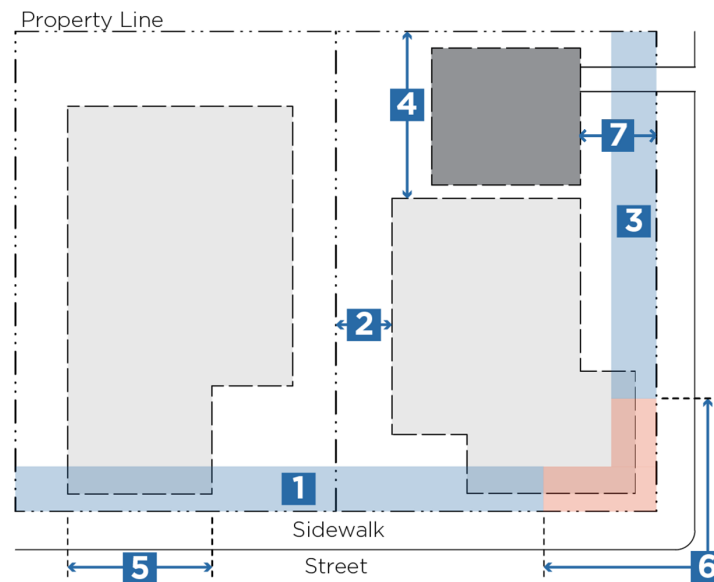
Corridor Mixed-Use (MC). The MC district is intended to support medium to high-intensity vertical and horizontal mixed-use development that facilitates the gradual transformation of existing areas into walkable, transit-oriented centers. It is also intended to support infill development and incremental change in areas close to transit stops and/or at transportation crossroads. This district accommodates transit-supportive development and uses, including a mixture of high-density housing and nonresidential active ground floor uses.

Neighborhood Mixed-Use (MN). The MN district is intended to support horizontal and vertical mixed-use development with medium-density housing in the same structures or in proximity to pedestrian-scale, neighborhood-serving nonresidential uses. It provides for affordable housing opportunities and a mix of building types compatible with medium-density multi-family housing on upper levels or on side streets and a mix of pedestrian-oriented neighborhood-serving uses along applicable primary street frontages. Development is envisioned to be transitional and at a scale that is consistent with walkable neighborhoods.

19.3.2 Development Standards

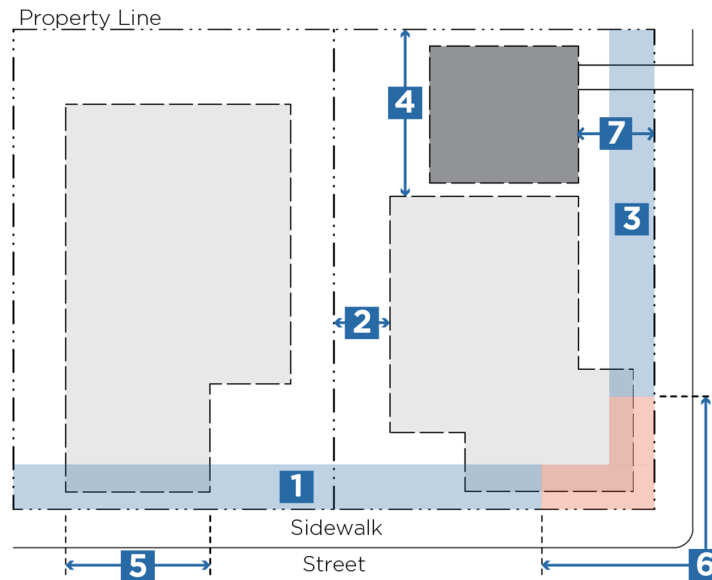
Table 19.3.2-1, Development Standards – Mixed-Use Districts, prescribes the dimensional and development standards for Mixed-Use Districts. Letters in parentheses refer to additional development standards that directly follow the table.

TABLE 19.3.2-1, DEVELOPMENT STANDARDS – MIXED-USE DISTRICTS

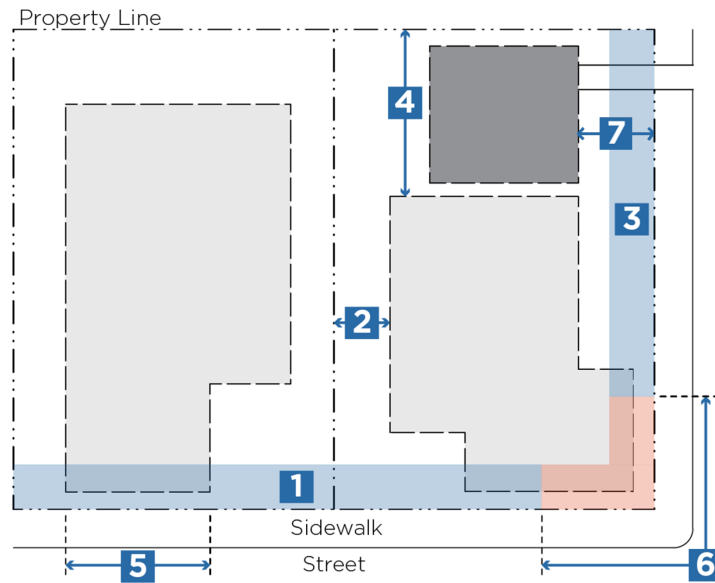


Standard	MR	MC	MN	Callout
Density and Intensity Standards				
Residential Density ¹ (du/ac.)	Min: 16 Max: NA	Min: 8 Max: 36	Min: 2 Max: 16	
Floor Area Ratio (FAR), Residential and Nonresidential Combined (max.)	NA	3.0	1.75	
Height Standards				
Height (max.) (ft.)	250 (A) ²	90 (A)	55 (A)	
Ground Floor Ceiling Height, Non-Residential Uses (min.) (ft., clear)	12	12	12	
Building Placement Standards				
Required Setbacks	In the MN District, single use residential development shall meet the setback requirements of the RM Districts			
Front Setback (ft.)	Min: 0 Max: 10 (B)	Min: 0 Max: 20 (B)	Min: 0 Max: 30 (B)	1

TABLE 19.3.2-1, DEVELOPMENT STANDARDS – MIXED-USE DISTRICTS

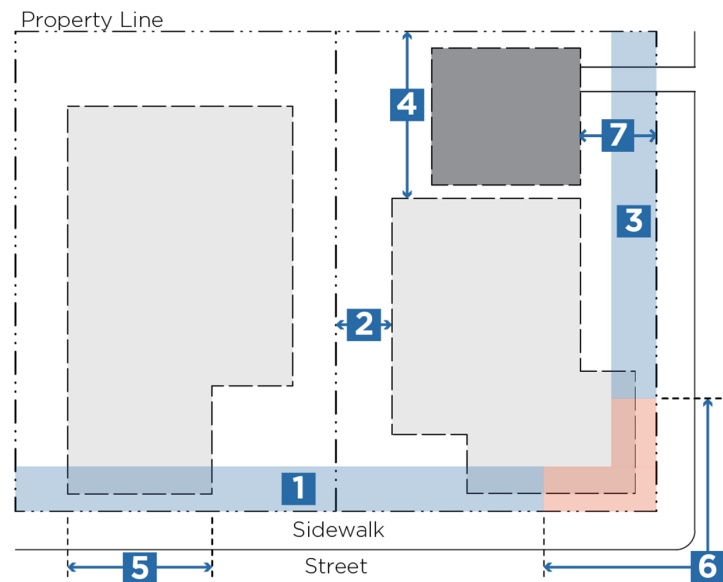


Standard	MR	MC	MN	Callout
<i>Interior Side Setback (min.) (ft.)</i>	10	5, 10 adjacent to an RS or RM district	5, 10 adjacent to an RS or RM district	2
<i>Corner Side Setback (ft.)</i>	Min: 0 Max: 15 (B)	Min: 0 Max: 15 (B)	Min: 0 Max: 20 (B)	3
<i>Rear Setback (min.) (ft.)</i>	10	5, 10 adjacent to an RS or RM district	5, 10 adjacent to an RS or RM district	4
Required Building Placement				
<i>Building Frontage within Setback Area (min.) (% of linear street frontage)</i>	30(C)	60(C)	40(C)	5
	Applicable only to public or interior streets with existing or planned sidewalks, pedestrian walkways, or trails.			
<i>Corner Build Area (ft.)</i>	30(C)	30(C)	30(C)	6
	Applicable only to commercial and mixed-use buildings.			
Non-Residential Facade Standards				
Required Transparency (% of building wall area)	40(D)	60(D)	40(D)	

TABLE 19.3.2-1, DEVELOPMENT STANDARDS – MIXED-USE DISTRICTS


Standard	MR	MC	MN	Callout
Length of Blank Wall (max.) (ft.)	30(E)	30(E)	30(F)	
Required Stepback (min.) (ft.)	NA	15	NA	
	Applicable only after the fourth story.			
Parking and Loading Standards				
Parking Setback from Street Facing Lot Line (min.) (ft.)	40(F)	40(F)	40(F)	7
Curb Cuts, Minimum Distance from Intersection Curb Return or Pedestrian Crosswalk (ft.)	10	10	10	
Loading/Service Areas	Shall be located to the side or rear of a structure or visually hidden within a buildings architecture to minimize appearance.			
Open Space and Landscape Standards				
Required Open Space				
Mixed-Use Residential Open Space (min.) (sq. ft./dwelling unit)	65	75	100; A min of 50% of units must have at least 50 sq ft of private open space	
	See HMC Section 19.10.10 (Open Space)			

TABLE 19.3.2-1, DEVELOPMENT STANDARDS – MIXED-USE DISTRICTS



Standard	MR	MC	MN	Callout
Single-Use Residential Open Space (min.) (sq. ft./dwelling unit)	500	500	300	
Nonresidential Open Space (min.)	See HMC Section 19.10.10 (Open Space)			
Landscape Area (min.) (% of site)	5	10	10	
	See HMC Chapter 19.11, Landscaping Standards			

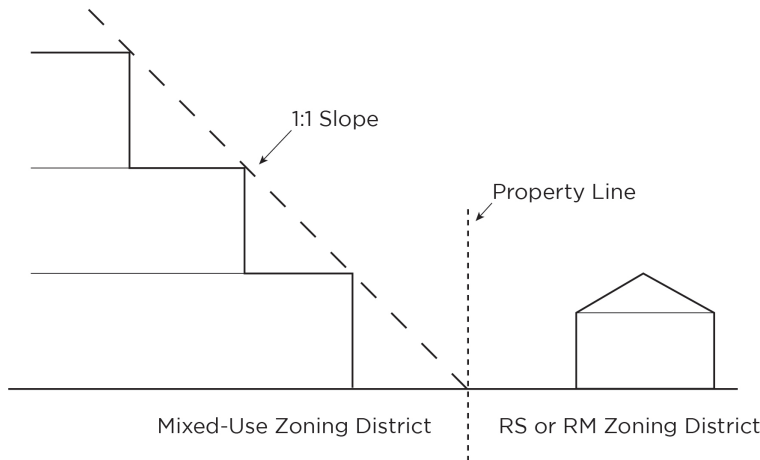
Notes:

¹Density requirements apply to residential and/or mixed-use projects. Commercial projects are exempt.

²Letters in parentheses refer to additional development standards that directly follow the table.

- A. **Height.** Structures shall not interrupt a line of a 1:1 slope extending upward from existing grade at a RS or RM district boundary. See Figure 19.3.2-A, Residential Adjacency.

FIGURE 19.3.2-A, RESIDENTIAL ADJACENCY



B. **Encroachments and Street Frontage Improvements.**

1. ***Encroachments into the Right-of-Way.*** All non-standard items located within a public right-of-way, are subject to a Revocable Permit and Covenant from the Public Works Director.
2. ***Street Frontage Improvements.*** New development shall provide street frontage improvements in accordance with applicable plans and specifications and the minimum standards listed below.
 - a. ***All Street Frontages.*** In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets.
 - i. **Minimum Sidewalk Width.** Sidewalks shall be a minimum of 16 feet in width and a maximum 18 feet in width. The minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the minimum requirement and a sidewalk easement shall be provided.
 - (a) **Transition Width.** If a development's sidewalk connects to a narrower adjacent sidewalk, the Director may approve tapering the development's sidewalk width or alternatively transitioning the area with plazas, gathering areas, passive recreational opportunities, or other means.
 - (b) **Exceptions.** Development on lots that include a public access easement with a trail or other constraints may be exempt from the minimum sidewalk width requirement if approved as part of the design review process.
 - ii. **Required Areas.** Sidewalks shall be organized into two distinct areas: a street tree/furniture area located adjacent to the curb where applicable, and a clear area. See Figure 19.3.2-B, Sidewalk Areas.

- (a) **Street Tree/Furniture Area.** The street tree/furniture area shall have a minimum width of eight feet (from face-of-curb) and shall be continuous and located adjacent to the curb.
 - (1) The area shall be planted with street trees at an average spacing of 20 to 30 feet on center, based on the mature canopy width of the tree species selected.
 - (2) The area also is intended for the placement of street furniture including seating, streetlights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public art, public utility equipment such as electric transformers and water meters, shade structures, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
- (b) **Clear Area.** The clear sidewalk area shall be unobstructed, a minimum width of eight feet, shall be constructed of concrete or an alternative hardscape material as approved by the Director, and shall be located adjacent to the street tree/furniture area. The clear area shall be unobstructed by any permanent or nonpermanent element (e.g., light poles, shade structures) for a minimum width of six feet and a minimum height of eight feet.
- (c) **Additional Sidewalk Area.** Additional sidewalk width located between the clear area and the building may be used for outdoor dining, seating, or display areas.

FIGURE 19.3.2-B, SIDEWALK AREAS



- iii. **Alternative Configurations.** Where the above configurations are not feasible, alternative streetscape configurations and widths may be allowed by a compensating benefit or by the Director.
 - b. ***Improvements Along the Boulder Highway Corridor.*** Developments with frontage abutting Boulder Highway shall meet the code typical cross-sections and determine the relationship between sidewalks and the Boulder Highway Corridor linear park. Specific standards shall be determined by the Director as part of the development review process. Improvements within the right-of-way adjacent to the proposed development shall be shown on the site plan.
 3. ***Development within Public Access Easements.*** Trees, landscaping, outdoor dining, trails, and other similar features and uses may be located within a public access easement.
- C. **Required Building Location.**
1. ***Build-to Line.*** Buildings shall be located within the setback range for at least the percentage of the linear street frontage identified in Table 19.3.2-1, Development Standards-Mixed-Use Districts.
 2. ***Corner Build Area.*** Buildings shall be located within the setback range within 30 feet of the street corner.
 3. ***Alternatives.*** Alternatives to the building location requirements may be approved if the Director finds that:
 - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the open space, courtyard, plaza, or dining area; or
 - b. The nature of the site, development, or proximity to a public access easement make it impractical.
- D. **Building Transparency/Required Openings for Non-Residential Uses.** Exterior walls facing and within 20 feet of a street, park, plaza, pedestrian walkway, or other public outdoor space shall include windows, doors, or other openings for at least the identified percent of the building wall area located between two and one-half and eight feet above ground level.
1. ***Design of Required Openings.*** Openings fulfilling this requirement shall have transparent glazing with a minimum Visible Light Transmittance of 0.65 and a maximum Visible Light Reflectance of 0.2 and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 2. ***Exceptions for Parking Structures.*** Parking structures shall be lined with retail, office, or residential uses along at least 60 percent of the ground-floor street frontage. The building transparency requirement shall only apply to the portion of the parking structure lined with retail or office uses.
 3. ***Alternatives.*** Alternatives to the building transparency requirement may be approved if the Director finds that the street-facing building walls exhibit substantial architectural relief and detail, and are enhanced with landscaping or public art.
- E. **Limitations on Blank Walls.** No wall may run in a continuous horizontal plane for more than 30 feet without windows or doors.

- F. **Parking Placement.** Buildings shall be placed as close to the street and/or pedestrian walkways as possible, with parking behind a building or on the interior side or rear of the site. Parking may be located within the required setback, subject to the following requirements.
1. ***Garages Serving a Dwelling Unit.*** Garages serving a dwelling unit shall be set back from street facing lot lines a minimum of 20 feet for front loaded garages and a minimum of 10 feet for side loaded garages.
 2. ***Public Access Easements.*** Surface parking may be located within 40 feet of a front or street facing lot line if a public access easement exists and the Director determines that proposed structures are located as close to the street facing lot line as possible.

Chapter 19.4 Commercial Zoning Districts

Sections:

- 19.4.1 Purpose and Applicability
- 19.4.2 Development Standards
- 19.4.3 Supplemental Regulations

19.4.1 Purpose and Applicability

The purposes of the Commercial Zoning Districts are to:

- A. Designate adequate land for a full range of residential- and business-serving commercial uses and services to implement the Comprehensive Plan, be responsive to economic changes and trends, and expand and strengthen the City's economic resources;
- B. Create an adequate balance between residential and commercial uses allowing space for economic growth and job opportunities.
- C. Establish development and design standards that improve the visual quality and give commercial development a sense of place;
- D. Ensure appropriate buffers and transitions to adjacent neighborhoods, particularly residential neighborhoods, with pedestrian and bicycle connections to transit; and
- E. Ensure that new development is designed appropriately to the physical characteristics of the area, encouraging resource efficient buildings that incorporate sustainable materials, minimize runoff, incorporate xeriscaping and conserve energy and water.

Additional purposes of each Commercial Zoning District:

Neighborhood Commercial (CN). The CN district is established to provide sites for local serving commercial areas while establishing development standards that prevent significant adverse effects on adjacent residential areas.

Office Commercial (CO). The CO district is established to provide areas primarily for office development that will be compatible with nearby residential uses and that will protect these office developments from potential disruption by incompatible commercial and industrial uses. Other uses that are supportive of the businesses and employees of the district are allowed.

Community Commercial (CC). The CC district is established to provide sites for community and regional retail shopping centers containing a wide variety of commercial establishments including retail stores, restaurants, commercial recreation, and other services.

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

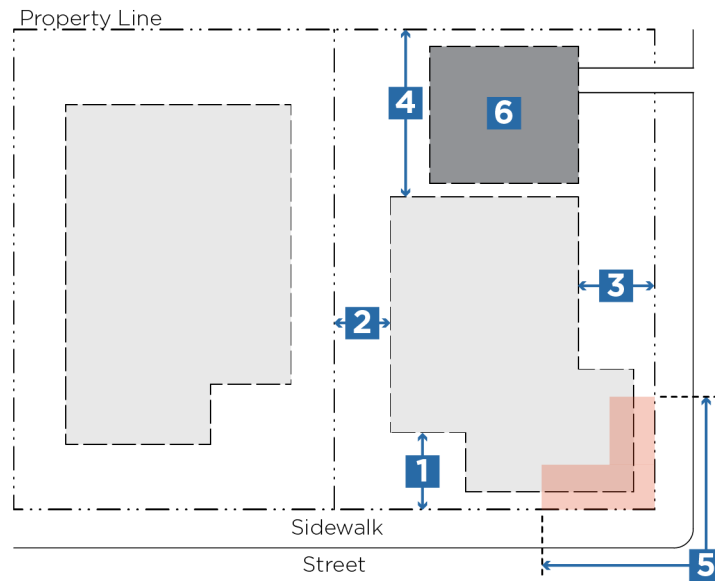
Tourist Commercial (CT). The CT district is established to provide sites for visitor-oriented uses including casinos, hotels, motels, resort complexes, commercial recreation facilities, restaurants, travel trailer and RV facilities, and limited residential development in a mixed-use project.

Auto-mall Commercial (CA). The CA district is established to provide sites for new automobile dealerships and related uses.

19.4.2 Development Standards

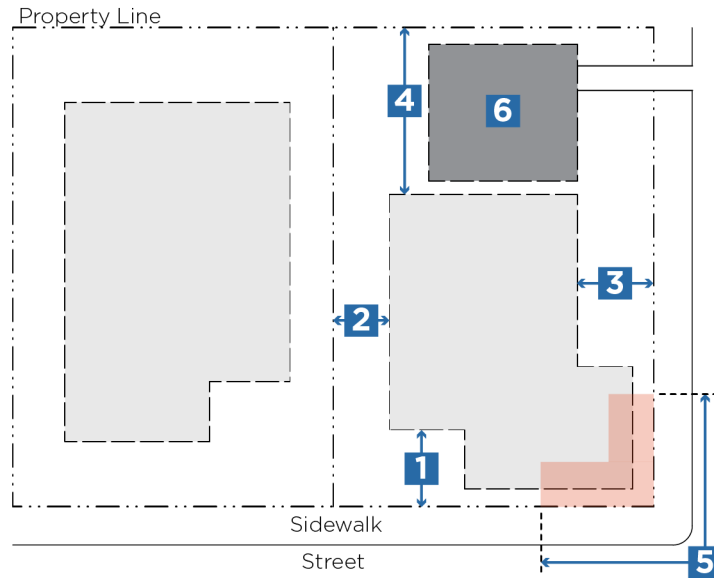
Table 19.4.2-1, Development Standards – Commercial Districts, establishes the dimensional and development standards for Commercial Districts. Letters in parentheses refer to additional development standards that directly follow the table.

TABLE 19.4.2-1, DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS



Standard	CN	CO	CC	CH	CT	CA	Callout
Lot Standards							
District Size (min./max.) (ac.)	2/5	2/NA	10/NA	5/NA	5/NA	50/NA	
Lot Area (min.) (sq. ft.)	10,000	20,000	10,000	7,500	20,000	200,000	
Lot Width (min.) (ft.)	80	100	75	70	100	200	
Lot Coverage (max.) (% of lot)	50	60	NA	50	50	40	
Height Standards							
Height (max.) (ft.)	35(A) ¹	50(A)	50(A)	40(A)	40(A)	40(A)	
Ground Floor Ceiling Height (min.)	12	12	12	NA	12	NA	
Building Placement Standards							
Required Min. Setbacks							
Front (ft.)	10	15	15	20	20	35	1
Interior Side (ft.)	10	10	10	10	10	10	2

TABLE 19.4.2-1, DEVELOPMENT STANDARDS – COMMERCIAL DISTRICTS



Standard	CN	CO	CC	CH	CT	CA	Callout
Corner Side (ft.)	10	15	15	20	20	35	3
Rear (ft.)	10	10	10	10	10	10	4
Required Building Area							
Corner Build Area (ft.)	30(B)	30(B)	30(B)	NA	30(B)	NA	5
Parking and Open Space Standards							
Parking Setback from existing ROW (min.) (ft.)	40(C)	40(C)	40(C)	NA	40(C)	NA	6
Open Space/Landscape Area (min.) (% of entire site)	15	15	15	15	15	15	
The required open space/landscape area may be provided as common open space (e.g., plaza). See HMC Section 19.10.10 (Open Space).							

Notes:

¹Letters in parentheses refer to additional development standards that directly follow the table.A. **Parking.** Parking may be located within the required setback, subject to the following requirements.

1. **Garages Serving a Dwelling Unit.** Garages serving a dwelling unit shall be set back from street facing lot lines a minimum of 20 feet for front loaded garages and a minimum of 10 feet for side loaded garages.

2. ***Surface Parking.***

- a. Above ground surface parking may be located within 40 feet of an existing right-of-way when the Director makes the following findings.
 - i. Buildings are built close to the public sidewalk to the maximum extent feasible; and
 - ii. There is an existing utility easement that prohibits structures and the best use of the land under the circumstances would be surface parking.
- b. Above ground surface parking may be located within the side or rear setbacks only if a minimum five-foot setback is maintained.

19.4.3 Supplemental Regulations

A. **CA District.**

- 1. ***Intent.*** These standards are intended to guide dealerships and other auto-oriented uses in establishing an integrity of design for the auto-mall and consistency of quality for the entire development.
- 2. ***Dealerships.***
 - a. Each contiguous CA zoned area must include at least five auto dealerships prior to any other use being permitted.
- 3. ***Auto Display.***
 - a. Display racks shall maintain a height of two feet or less. Display racks shall not tilt cars in any way to show the underside, unless they are used inside a showroom or setback 60 feet from the property line.
 - b. Display areas shall use an enhanced paving material such as exposed aggregate, brick, stamped concrete, or a similar surface material approved by the Director. Asphalt is not allowed.
 - c. Display areas are not allowed on top of any building.
- 4. ***Walls and Fences.***
 - a. All mechanical equipment, service, storage, and trash areas shall be screened from view from any street by a wall. Landscape screening alone is not sufficient.
 - b. Decorative perimeter wall height shall be a minimum of six feet and a maximum of 10 feet.
- 5. ***Vehicle Storage.*** No materials, supplies, or equipment, including firm-owned or firm-operated trucks, shall be stored in any area on a site except inside an enclosed building or behind a visual barrier or service area that screens the equipment from view of all public streets. The exception is any vehicle that is part of the dealer's customer display. Visual barriers and screening shall be consistent with HMC Section 19.10.7, Screening Requirements.
- 6. ***Noise Attenuation.*** All body-shop repair and compressor work shall only be performed in an enclosed area. Enclosed buildings are those buildings with activities totally contained within walls of the building and that have only adequate doors for ingress and egress incorporated.

Air compressor exhaust stacks shall contain a muffling device. Noise attenuation shall meet all standards and ordinances of the City of Henderson.

7. ***Flagpoles.*** A flagpole that is 1.5 times the height of the principal building is allowed. A flagpole flying a flag must be located at a main vehicular or pedestrian access to a building or site.

Chapter 19.5 Industrial Zoning Districts

Sections:

19.5.1 Purpose and Applicability

19.5.2 Development Standards

19.5.1 Purpose and Applicability

The purposes of the Industrial Zoning Districts are to:

- A. Designate adequate land for industrial growth, businesses, and professional offices consistent with the Comprehensive Plan to expand and strengthen the City's economic resources;
- B. Fulfill the City's economic development strategies that influence place for development and infrastructure priorities, redevelopment and revitalization efforts; industry for business and development priorities; and people for workforce development;
- B. Provide a range of employment opportunities to meet the needs of current and future residents, attracting and retaining talented workforce;
- C. Provide areas for a wide range of manufacturing and logistics, industrial processing, and service commercial uses and protect areas where such uses now exist;
- D. Promote development of employment centers linked to a variety of amenities and transportations options;
- E. Establish development and design standards that improve the visual quality of industrial development to ensure appropriate buffers and transitions to adjacent zoning districts, providing pedestrian and bicycle connections to transit; and
- F. Ensure that new development is designed appropriately to the physical characteristics of the area, encouraging resource efficient buildings that incorporate sustainable materials, minimize runoff, incorporate xeriscaping and conserve energy and water.

Additional purposes of each Industrial Zoning District:

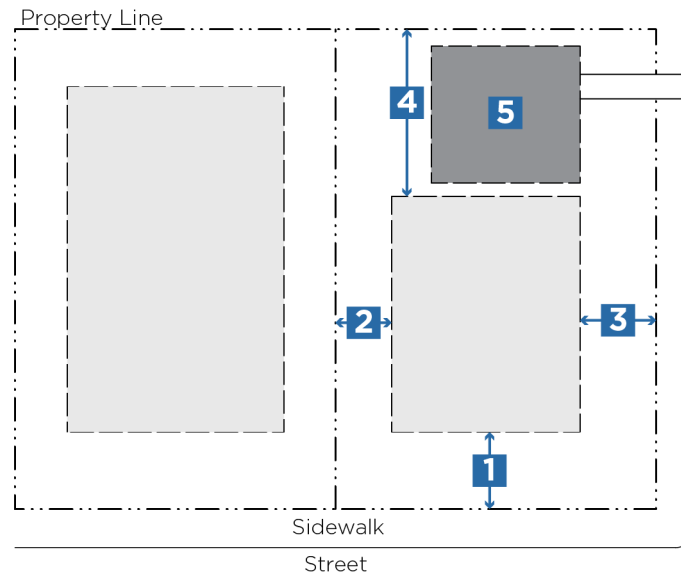
Limited Industrial (IL). The IL district is established to provide areas for a diverse range of light industrial and workplace uses, including office, research and development, biotechnology, warehousing, service commercial, indoor farming, and other related uses.

General Industrial (IG). The IG district is established to provide areas for the operation of general industry, manufacturing, extraction, salvage, and related activities, subject to performance standards and buffering requirements to minimize potential environmental impacts.

Industrial Park (IP). The IP district is established to provide areas for research and development facilities, professional offices, and other large-scale professional uses in large or campus-like business park settings.

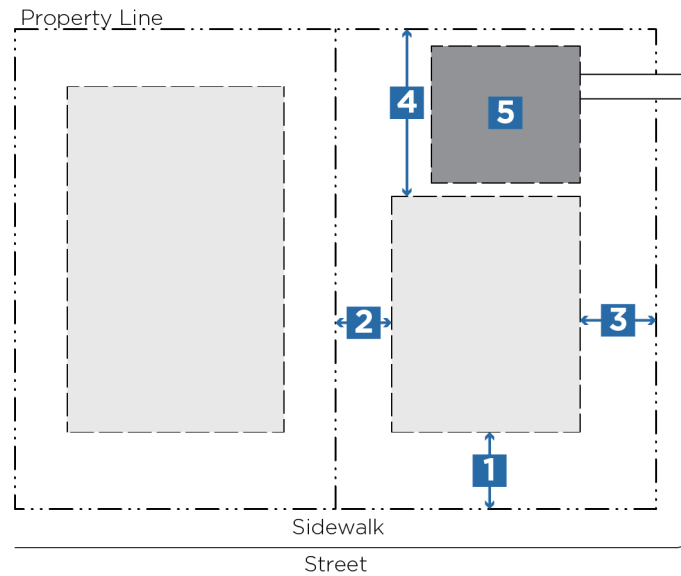
19.5.2 Development Standards

Table 19.5.2-1, Development Standards – Industrial Districts, establishes the dimensional and development standards for Industrial Districts. Letters in parentheses refer to additional development standards that directly follow the table.

TABLE 19.5.2-1, DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS

Standard	IL	IG	IP	Callout
Lot Standards				
District Size (min./max.) (ac.)	NA	NA	NA	
Lot Area (min.) (ac.)	1	2	2	
Lot Width (min.) (ft.)	70	150	NA	
Lot Coverage (max.) (% of lot)	50	50	60	
Height Standards				
Height (max.) (ft.)	40(A) ¹	NA(A)	50(A)	
Required Min. Setbacks				
Front (ft.)	25	25	25	1
Interior Side (ft.)	20	0; 20 when abutting a non-industrial district	20	2
Corner Side (ft.)	10	10	20	3
Rear (ft.)	20	0; 20 when abutting a street or non-industrial district	20	4
Parking and Open Space Standards				

TABLE 19.5.2-1, DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS



Standard	IL	IG	IP	Callout
Parking Setback from existing ROW (min.) (ft.)	20(B)	NA	NA	5
Open Space/Landscape Area (min.) (% of entire site)	10	10	10	
	The required open space/landscape area may be provided as common open space (e.g., plaza). See HMC Section 19.10.10 (Open Space).			

Notes:

¹Letters in parentheses refer to additional development standards that directly follow the table.

- A. **Height.** Structures shall not interrupt a line of a 1:1 slope extending upward from existing grade at a RS or RM district boundary. See Figure 19.3.2-A, Residential Adjacency.
- B. **Parking Placement.** No more than 50% of the lot's street frontage shall be occupied by parking. Parking may be located within the required setback, subject to the following requirements.
1. Surface parking may be located within 40 feet of an existing right-of-way when the Director makes the following findings:
 - a. Buildings are built close to the public sidewalk to the maximum extent feasible; and
 - b. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.
 2. Surface parking may be located within the side or rear setbacks only if the minimum required landscape buffer is maintained.

Chapter 19.6 Public and Special Purpose Zoning Districts

Sections:

19.6.1 Purpose and Applicability

19.6.2 Development Standards

19.6.1 Purpose and Applicability

The purposes of the Public and Special Purpose Zoning Districts are to:

- A. Designate adequate lands for needed public facilities, services, and amenities consistent with the Comprehensive Plan to strive for equitable distribution and diverse mix uses;
- B. Support and expand on existing investment to revitalize Downtown Henderson;
- C. Identify gaps and prioritize development based on public facilities and services needs to serve residents, businesses, and visitors.

Additional purposes of each Public and Special Purpose Zoning Districts:

Development Holding (DH). The DH district is established to provide a suitable classification for limited-service areas (as designated in the Comprehensive Plan), avoid premature development that cannot be provided with utility service, and permit only low-density development until utility and community services can be provided and/or the property is rezoned.

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

Public and Semipublic (PS). The PS district is established to provide areas for various types of public and semipublic facilities needed to serve residents, businesses, and visitors and ensure that the development and operation of public and semipublic uses protects and enhances the character and quality of life of surrounding residential areas and that their uses are compatible with adjoining uses.

19.6.2 Development Standards

Table 19.6.2-1, Development Standards – Public and Special Purpose Districts, establishes the dimensional and development standards for Public and Special Purpose Districts. Letters in parentheses refer to additional development standards that directly follow the table. Development standards in the PS district shall be determined by a conditional use permit, provided that if the conditional use permit fails to regulate an element regulated by an abutting base district, or no conditional use approval is required for the use listed in HMC Chapter 19.9, Use Regulations, the most restrictive regulations of the nearest base district apply to each portion of a PS district.

TABLE 19.6.2-1, DEVELOPMENT STANDARDS – PUBLIC AND SPECIAL PURPOSE DISTRICTS

Standard	DH	DP	PS	Additional Regulations
Lot Standards				
Lot Area (min.) (sq. ft.)	Res Use: 40,000 Non Res Use: 200,000	20,000	NA	–
Lot Width (min.) (ft.)	100	NA	NA	–
Lot Coverage (max.) (% of lot)	NA	80	NA	–
Height Standards				
Height (ft.)	Max: 35	Min: 25 Max: 55	NA	–
Building Placement Standards				
Required Setbacks				
<i>Front (ft.)</i>	Min: 25	Min: 15 Max: 25	NA	–
<i>Interior Side (min.) (ft.)</i>	10	0	NA	–
<i>Corner Side (ft.)</i>	Min: 15	Min: 15 Max: 25	NA	–
<i>Rear (min.) (ft.)</i>	35	0	NA	In DP, Min: 4 from alley
Required Building Area				
<i>Building Frontage within Setback Area (min.) (% of linear street frontage)</i>	NA	25(A) ¹	NA	–
Parking and Loading Standards				
Parking Setback from existing ROW (min.) (ft.)	NA	40(B)	NA	–
Loading/Service Areas	Shall be located to the side or rear of a structure or integrated within a building's architecture			–

Notes:

¹Letters in parentheses refer to additional development standards that directly follow the table.**A. Required Building Location.**

1. **Build-to Line.** Buildings shall be located within the setback range for at least the percentage of the linear street frontage identified in Table 19.6.2-1, Development Standards-Public and Special Purpose Districts.

2. ***Alternatives.*** Alternatives to the building location requirements may be approved if the Director finds that:
 - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the open space, courtyard, plaza, or dining area; or
 - b. The nature of the site or development make it impractical.
- B. **Parking Placement.** Parking shall be placed behind a building or on the interior side or rear of the site. Parking may be located within the required setback, subject to the following requirements.
 1. ***Garages Serving a Dwelling Unit.*** Garages serving a dwelling unit shall be set back from street facing lot lines a minimum of 20 feet for front loaded garages and a minimum of 10 feet for side loaded garages.
 2. ***Surface Parking.***
 - a. Surface parking may be located within 40 feet of an existing right-of-way when the Director makes the following findings.
 - i. Buildings are built close to the public sidewalk to the maximum extent feasible; and
 - ii. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.
 - b. Surface parking may be located within the side or rear setbacks only if a minimum five-foot setback is maintained.
 3. ***Access.*** Single-unit buildings on lots with alley access shall not include driveway access from the street unless the street driveway already exists.

Chapter 19.7 Planned Community Zoning District

Sections:

- 19.7.1 Purpose and Applicability
- 19.7.2 Developer Requirements and Procedures
- 19.7.3 Allowed Land Uses
- 19.7.4 Development Standards
- 19.7.5 Conflicting Provisions
- 19.7.6 Amendments

19.7.1 Purpose and Applicability

The purpose of the Planned Community (PC) district is to implement any Master Plan (MP) Overlay or development agreement that the Council has determined is the appropriate tool for development of the property. Upon determination of the appropriateness of a development agreement, the PC district may be utilized to ensure Comprehensive Planning of large areas of land and to create efficient and stable developments offering a combination of planned land uses. This district is designed to provide for maximum flexibility in the development of planned communities.

19.7.2 Developer Requirements and Procedures

- A. **Requirements.** The developer or applicant shall:
 - 1. Ensure adequate provision of public facilities and services;
 - 2. Provide for a creative arrangement of land uses with respect to each other, the entire planned community, and all adjacent land;
 - 3. Provide for a variety of universal housing types, employment opportunities, commercial services and amenities to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income;
 - 4. Provide for a planned and integrated transportation system for all modes, developing walkable and bicycle friendly communities with transit access including provision of roadways with complete street design components of appropriate pedestrian and bicycle amenities, equestrian paths, and other similar transportation facilities;
 - 5. Provide sensitive site planning and high-quality design with enhanced landscaping and various site amenities; and
 - 6. Provide high-quality structures that are consistent with community design standards, materials, layout, and the intention of creating a sense of place.
- B. **Development Agreements or MP Overlay District.** No land division in an area subject to the PC district standards shall be permitted without an approved development agreement or MP overlay district.
 - 1. If it is determined that a development agreement is necessary to accommodate a project in the PC district prior to, or concurrent with, the processing of an application for project approval, the developer shall enter into a development agreement with the City in accordance with HMC Chapter 19.27, Development Agreements.

2. If the PC zoning designation is accompanied by the MP overlay district, the developer must comply with all requirements of HMC Section 19.8.5, Master Plan Development Overlay District.
3. Except as otherwise provided in an approved development agreement, subsequent development applications shall be initiated and processed in accordance with Chapter 19.29, Land Division Applications, HMC Section 19.21.4, Zone Change/Zoning Map Amendments, or HMC Chapter 19.24, Design Review.

19.7.3 Allowed Land Uses

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

19.7.4 Development Standards

- A. **General.** Intensity and dimensional standards for any development in the PC district shall be in accordance with the approved master development plan as part of a MP overlay district or in a development agreement.
- B. **District Size.** The PC district shall only be applied to an area of contiguous property of at least 500 gross acres in size, or as defined in either the approved master plan or the approved development agreement.

19.7.5 Conflicting Provisions

- A. **MP Overlay District.** Conflicting provisions shall be addressed as part of the master development plan or in compliance with HMC Section 19.1.6, Conflicting Provisions.

19.7.6 Amendments

The development of property within the PC district may proceed only if consistent with the approved master development plan as part of an approved development agreement or MP overlay district.

- A. **Development Agreements.** Minor or major modifications to the approved development within the PC district shall be in accordance with the amendment provisions as defined in the approved development agreement and subject to NRS 278.0201 et seq.
 1. Upon receipt of an application for a minor modification, the Director shall forward a copy of the application to the Development Agreement Advisory Committee. The Development Agreement Advisory Committee may determine that the application be treated as a major modification, in which case the modification shall proceed as a major modification in accordance with the development agreement. Otherwise, the Director shall process and make an administrative decision regarding the minor modification.
 2. In the event that an individual is aggrieved by a decision of the Director as it relates to an administrative decision concerning a minor modification, such an individual may appeal in accordance with HMC Subsection 19.19.6.D, Appeals.
- B. **MP Overlay District.** Amendments to the MP overlay district and/or the related master development plan shall be in accordance with HMC Section 19.8.5, Master Plan Development Overlay District.

Chapter 19.8 Overlay Districts

Sections:

- 19.8.1 Purpose and Applicability
- 19.8.2 Airport Environs Overlay District
- 19.8.3 Gaming Enterprise Overlay District
- 19.8.4 Hillside Overlay District
- 19.8.5 Master Plan Development Overlay District
- 19.8.6 Planned Unit Development Overlay District
- 19.8.7 Redevelopment Overlay District
- 19.8.8 Rural Neighborhood Overlay District
- 19.8.9 Sensitive Lands Overlay District

19.8.1 Purpose and Applicability

A. Purpose.

1. The Overlay Districts are applied to certain areas of the City with unique characteristics in addition to the standards provided in the base zoning districts. These standards are intended to ensure that proposed uses and projects are compatible with existing and future neighborhoods and uses, and that an environment of desirable character is produced considering the City's unique characteristics.
2. Development in Overlay Districts shall be consistent with principles in the Comprehensive Plan, including but not limited to providing a mix of uses; unique building characteristics to promote variety; internal and external connectivity through streets, sidewalks, and trails, as well as within subdivisions; integrated natural open spaces and natural features within built places; landscaping that reflects the desert environment; energy and water efficiency in sustainable building design to conserve resources; as well as other applicable principles.

B. Applicability.

1. The standards in this Chapter apply to all development within an overlay district and must be considered in addition to the standards of the base zoning district.
2. If there is a conflict between the standards of a base zoning district and the standards of an overlay district, the standards in the overlay apply. If there is a conflict between any other standards, or multiple overlay districts, the most restrictive standard applies.
3. Overlays are established in accordance with the procedure described in HMC Section 19.21.4, Zone Change/Zoning Map Amendments.

19.8.2 Airport Environs Overlay District

- A. **Purpose.** The specific purpose of the Airport Environs (AE) overlay district is to ensure land use compatibility around McCarran International and Henderson Executive Airports, to provide for the safe operation of aircraft by controlling height limits, and to minimize noise impact to surrounding residents.
- B. **Applicability.** The AE overlay district shall include all noise and hazard exposure zones of 60 Ldn (day-night average sound level) and greater. The boundaries of the Noise Zones are as designated on the City's Airport Environs Noise Zones Map.
- C. **Zoning Map Designation.** The AE overlay district shall be shown on the zoning map by adding a symbol to indicate the overlay district and shall be shown in written form by adding a designator ("AE") to the base zoning district designation. The creation of and subsequent amendment to any overlay district shall not take effect until the City's zoning map is amended consistent with HMC Chapter 19.21, Comprehensive Plan and Zoning Amendments.
- D. **Use Regulations.** Land use regulations shall be the same as those in the base zoning district within which the AE overlay district is applied, subject to the restrictions set forth in Table 19.8.2-1, Land Use Compatibility in the AE Overlay District.

TABLE 19.8.2-1, LAND USE COMPATIBILITY IN THE AE OVERLAY DISTRICT

Uses	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
Residential Uses								
Accessory Use to Residential (≥ 2 Du/ac)	No	No	No	25	25	(No)	<No>	<No>
Single-Family (≥ 2 Du/ac)	No	No	No	25	25	(No)	<No>	<No>
Accessory Use to Residential (≤ 2 Du/ac)	No	No	Yes	25	25	30	<No>	<No>
Single-Family (≤ 2 Du/ac)	No	No	Yes	25	25	30	<No>	<No>
Two-Family	No	No	No	25	25	(No)	<No>	<No>
Multifamily Structure	No	No	No	25	25	(No)	<No>	<No>
Group Quarters	No	No	No	25	25	(No)	<No>	<No>
Permanent Mobile Home Parks-Courts	No	No	No	25	25	(No)	<No>	<No>
Transient Mobile Home Parks-Courts	No	No	No	Yes	Yes	(No)	<No>	<No>
Hotels, Motels & Tourist Courts	No	No	No	Yes	25	30	35	<No>
Other Residential	No	No	No	25	25	(No)	<No>	<No>
Manufacturing Uses								
Food & Kindred Products	No	No	(Yes)	Yes	Yes	(25)	(30)	(35)
Textile Mill Products	No	No	No	Yes	Yes	(25)	(30)	(35)
Apparel & Finished Products	No	No	No	Yes	Yes	(25)	(30)	(35)
Lumber & Wood Products (Except Furn)	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Furniture & Fixtures	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Paper & Allied Products	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Printing-Publishing	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)

TABLE 19.8.2-1, LAND USE COMPATIBILITY IN THE AE OVERLAY DISTRICT

Uses	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
Chemicals & Allied Products	No	No	No	Yes	Yes	(25)	(30)	(35)
Petroleum Refining & Related Industries	No	No	No	Yes	Yes	(25)	(30)	(35)
Rubber & Miscellaneous Plastic	No	No	No	Yes	Yes	(25)	(30)	(35)
Stone, Clay & Glass Products	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Primary Metal Industries	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Fabricated Metal Products	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Instruments & Optical Goods	No	No	No	Yes	25	30	No	No
Miscellaneous Manufacturing	No	(Yes)	(Yes)	Yes	Yes	(25)	(30)	(35)
Transportation & Utility Uses								
<i>Railroad, Rapid Rail & Street Railway</i>	No	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
<i>Motor Vehicle Transportation</i>	No	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
<i>Aircraft Transportation</i>	No	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
<i>Highway & Street R-O-W</i>	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
<i>Auto Parking</i>	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
<i>Communications</i>	(Yes)	(Yes)	Yes	Yes	Yes	(25)	(30)	(35)
<i>Utilities</i>	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
<i>Other Trans.-Comm. & Utilities</i>	(Yes)	(Yes)	Yes	Yes	Yes	Yes	Yes	Yes
Trade Uses								
<i>Wholesale Trade</i>	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
<i>Building Materials & Hardware (Retail)</i>	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
<i>General Merchandise (Retail)</i>	No	No	Yes	Yes	Yes	25	30	35
<i>Food-Retail</i>	No	No	Yes	Yes	Yes	25	30	35
<i>Automotive, Marine & Aircraft Access.</i>	No	Yes	Yes	Yes	Yes	25	30	35
<i>Apparel & Accessories (Retail)</i>	No	No	Yes	Yes	Yes	25	30	35
<i>Furniture & Home Furnishings (Retail)</i>	No	No	Yes	Yes	Yes	25	30	35
<i>Eating & Drinking Places</i>	No	No	No	Yes	Yes	25	30	35
<i>Other Retail Trade</i>	No	No	Yes	Yes	Yes	25	30	35
Service Uses								
<i>Finance, Insurance & Real Estate</i>	No	No	<Yes>	Yes	Yes	25	30	35
<i>Personal Services</i>	No	No	<Yes>	Yes	Yes	25	30	35
<i>Cemeteries</i>	<Yes>	<Yes>	<Yes>	Yes	Yes	(25)	(30)	(35)
<i>Business Services</i>	No	No	<Yes>	Yes	Yes	25	30	35

TABLE 19.8.2-1, LAND USE COMPATIBILITY IN THE AE OVERLAY DISTRICT

Uses	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
<i>Warehousing & Storage Services</i>	No	Yes	Yes	Yes	Yes	(25)	(30)	(35)
Explosives Storage	No	No	No	Yes	Yes	(25)	(30)	(35)
<i>Repair Storage</i>	No	<Yes>	<Yes>	<Yes>	<Yes>	(25)	(30)	(35)
<i>Medical & Other Health Services</i>	No	No	No	Yes	25	30	No	No
<i>Legal Services</i>	No	No	<Yes>	Yes	Yes	25	30	35
Other Professional Services	No	No	<Yes>	Yes	Yes	25	30	35
Contract Construction Services	No	<Yes>	<Yes>	Yes	Yes	(25)	(30)	(35)
Government Services	No	No	<Yes>	Yes	Yes	25	30	35
Educational Services	No	No	No	Yes	25	30	No	No
Religious Activities	No	No	No	Yes	25	30	No	No
Other Miscellaneous Services	No	No	<Yes>	Yes	Yes	25	30	35
Recreational Uses								
Cultural Activities	No	No	No	Yes	25	30	No	No
Nature Exhibitions	No	(Yes)	(Yes)	Yes	Yes	No	No	no
Outdoor Entertainment Assembly	No	No	No	Yes	No	No	No	No
Indoor Entertainment Assembly	No	No	No	Yes	25	30	No	No
Outdoor Sports Assembly	No	No	No	Yes	Yes	Yes	No	No
Indoor Sports Assembly	No	No	No	Yes	Yes	25	30	35
Miscellaneous Public Assembly	No	No	No	(Yes)	(25)	(30)	No	No
Fairgrounds & Amusement Parks	No	No	No	Yes	Yes	Yes	No	No
Outdoor Amusements	No	No	(Yes)	Yes	Yes	Yes	No	No
Indoor Amusements	No	No	(Yes)	Yes	Yes	25	30	35
Outdoor Sports Activities	No	(Yes)	(Yes)	Yes	Yes	Yes	No	No
Indoor Sports Activities	No	No	(Yes)	(Yes)	(Yes)	25	30	35
Outdoor Playground & Athletic Areas	No	No	(Yes)	Yes	Yes	Yes	No	No
Indoor Playground & Athletic Areas	No	No	(Yes)	(Yes)	(Yes)	25	30	35
Golf Courses, Riding Stables & Water Rec.	No	Yes	(Yes)	Yes	Yes	(25)	(30)	(35)
Other Recreation	No	Yes	(Yes)	Yes	Yes	Yes	No	No
Resorts & Group Camps	No	No	No	Yes	Yes	Yes	No	No
Parks	No	Yes	Yes	Yes	(25)	(30)	(35)	No
Natural Resource Uses								
Dairy Farm	No	Yes	Yes	Yes	(25)	(30)	(35)	No

TABLE 19.8.2-1, LAND USE COMPATIBILITY IN THE AE OVERLAY DISTRICT

Uses	Risk Zones and Noise Zones in 60 or Greater LDN							
	RPA AE-RPZ	APZ-1 AE-I	APZ-2 AE-II	60-65 AE-60	65-70 AE-65	70-75 AE-70	75-80 AE-75	80+ AE-80
Livestock Farms & Ranches (2)	No	Yes	Yes	Yes	(25)	(30)	(35)	No
Other Agriculture (3)	Yes	Yes	Yes	Yes	(25)	(30)	(35)	(35)
Agricultural-Related Activities (2)	No	Yes	Yes	Yes	(25)	(30)	(35)	No
Forestry Activities & Related Services	No	Yes	Yes	Yes	(25)	(30)	(35)	(35)
Fishing Activities & Related Services (3)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mining Activities & Related Services	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Undeveloped Uses								
Undeveloped & Unused Land	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Water Areas (3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Open Space	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Miscellaneous Uses								
An Undetermined Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Unspecified Accessory Use	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Key/Notes:

- (*) To be reviewed by City staff and assigned appropriate restrictions.
- Yes Land use and related structures allowed without restrictions.
- (Yes) No structures in clear zones. No passenger terminals and no major aboveground transmission lines unless allowed by the FAA.
- (Yes) (mfg) CUP required; additional factors to be considered: labor intensity, structural manufacturing coverage, explosive characteristics, air pollution, size of establishment, people density, peak period (including shoppers/visitors) concentrations.
- (Yes) (Recreation) CUP required: low-intensity facilities only.
- (Yes) (Services) CUP required: low-intensity office use only (limited scale of concentration of services of such uses). Meeting places (including chapels), auditoriums, etc. not allowed.
- No Land use and related structures are not compatible and are not allowed.
- (No) Where the provisions of the AE overlay permit uses but require noise attenuated construction in buildings and structures, a minimum exterior to interior noise level reduction of 35 decibels must be incorporated into building construction.
- <No> Where the provisions of the AE overlay permit uses but require noise attenuated construction in buildings and structures, a minimum exterior to interior noise level reduction of 35 decibels must be incorporated into building construction.
- 25 Requires a minimum exterior to interior noise level reduction of 25 decibels incorporated into building construction.
- 30 Requires a minimum exterior to interior noise level reduction of 30 decibels incorporated into building construction.
- 35 Requires a minimum exterior to interior noise level reduction of 35 decibels incorporated into building construction.
- (25) A minimum exterior to interior noise level reduction of 25 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- (30) A minimum exterior to interior noise level reduction of 30 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- (35) A minimum exterior to interior noise level reduction of 35 decibels must be incorporated into construction of portions of buildings where public is received, office areas, noise sensitive areas, or where the normal noise level is low.
- (Trans/Utils) Trans./Utils. in runway protection zones or APZ I.
- (1) CUP required; low-intensity facilities only.
- (2) CUP required; low-intensity uses only (limited scale of concentration of services of such uses). Meeting places (including chapels), auditoriums, etc. not allowed.
- (3) "Fishing activities & related services" and "water areas" include hunting and fishing.

- E. **Noise Level Reduction Standards.** The noise level reduction standards in HMC Chapter 15.56 shall be used to meet the corresponding interior noise level reduction requirements of Table 19.8.2-1, Land Use Compatibility in the AE Overlay District.
- F. **Specific Standards.**
1. **Height Limits.** Height is limited to 35 feet. Height may be allowed above 35 feet if it is determined that the structure does not:
 - a. Constitute a hazard to air navigation;
 - b. Result in an increase to minimum flight altitudes during any phase of flight; or
 - c. Otherwise pose a significant adverse impact on airport or aircraft operations.
 2. **Wireless Communication.** No land use may interfere with electrical radio communication between the airport and the aircraft, make it difficult for flyers to distinguish airport lights, result in glare, impair visibility, or otherwise interfere with or endanger the landing, take off, or maneuvering of aircrafts.
 3. **Noise.** Exterior to interior noise level reduction (a minimum of 30 decibels for AE-60 and a minimum of 35 decibels for AE-65) is required where habitable space is greater than 35 feet in height.
- G. **Specific Procedures.**
1. **Noise Disclosure.** Noise disclosure is required for all new residential developments or units and condominium conversions within the AE overlay district. The disclosure includes:
 - a. A form recorded against the land by the applicant, with copies provided to the City and Clark County Department of Aviation;
 - b. A copy of the recorded form presented to the initial occupant; and
 - c. A map obtained by the applicant from the Clark County Department of Aviation highlighting the project location in relation to associated flight tracks.
 2. **Notification of Airport Authority.** Except for alternations and additions to residential uses, the City shall notify the Airport Authority of applications and provide necessary exhibits for any new or expanded uses or developments.
 3. **Notification of Federal Aviation Administration.** Notice must be filed with the Federal Aviation Administration (FAA) if specifically requested by the FAA, or if any of the following types of construction or alternations are proposed:
 - a. Greater than 200-foot building height; or
 - b. Any other notification requirement as outline by HMC Title 14, Code of Federal Regulations, Part 77.
 - c. The FAA may limit heights based on their review.

19.8.3 Gaming Enterprise Overlay District

- A. **Purpose.** The specific purpose of the Gaming Enterprise (G) overlay district is to comply with NRS Chapter 463, as amended, by seeking to ensure adequate roads, water, sanitation, utilities, and related services to areas where nonrestricted gaming establishments are proposed. Establishments shall

enhance, expand, and stabilize employment and the local economy. Establishments shall not unduly impact public services, consumption of natural resources, the surrounding quality of life, or the surrounding area, and shall not be detrimental to the health, safety, or general welfare of the community.

- B. **Applicability.** The G overlay district applies to all development within the City except:
1. An establishment that holds a nonrestricted license for a resort hotel on December 31, 2002; or
 2. A proposed establishment located entirely within the boundary line of a master-planned community of 125 acres or more if, before June 28, 1997, the master-planned community was initially approved by the local governing body having jurisdiction over the master-planned community and was, in whole or in part, zoned or designated for gaming.
- C. **Zoning Map Designation.** If the City has established one or more G overlay districts, the City shall make available for public inspection a map that shows the location of each G overlay district. The map shall be:
1. Updated at least once every four months by the City; and
 2. A public record subject to the provisions of NRS Chapter 239.
- D. **Use Regulations.** Land use regulations shall be the same as those in the base zoning district within which the G overlay district is applied. No new or expanded casinos with nonrestricted gaming shall be approved unless they meet the CUP and hotel room requirements of this Code and the restrictions of HMC Chapter 4.32.
- E. **Property Development Regulations.** Property development regulations shall be the same as those in the base zoning district within which the G overlay district is applied unless modified by an approved development plan. Unless otherwise stipulated, no waivers within this Section are allowed.
- F. **Required Plans and Materials.** An application shall be filed with the Director that contains the following:
1. A completed application form;
 2. A vicinity map showing the location and street address of the subject property and showing all residential, commercial, industrial, and public uses and zoning districts within 7,500 feet of all boundaries of the subject property;
 3. A concept plan indicating the existing and proposed uses, approximate gross floor area, building coverage, height, parking, and density;
 4. A circulation plan showing proposed streets and the relation to the Master Transportation Plan for streets and highways;
 5. A pedestrian and bicycle circulation plan showing proposed walkways and trails and the relation to the City's Master Bicycle and Trails Plan;
 6. An analysis of any adverse impacts upon surrounding properties and proposed mitigation methods including, but not limited to, construction traffic, noise and other construction-related impacts, post-construction traffic, parking, lighting, and any other impacts associated with the casino operation;
 7. A preliminary development schedule indicating phases and the sequence and timing of development;
 8. A plan for extension of public facilities, services, and utilities and for flood control and drainage;

9. The required application fee; and
10. Proof of compliance with the findings below.

G. **Specific Procedures.**

1. **Initiation.** An application to approve a G overlay district shall be initiated by a property owner or authorized agent, or by the City, consistent with the requirements below. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted within the application, if applicable.
2. **Notice.** Notice shall be given consistent with NRS and as set forth in this Subsection.
 - a. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment has not been designated a G overlay district, the person may petition the City to designate the location of the proposed establishment a G overlay district.
 - b. If a person files an application to designate the location of a proposed establishment a G overlay district, the City shall, at least 10 days before the date of the hearing of the application, mail a notice of the hearing to:
 - i. Each owner of real property whose property line is fewer than 5,000 feet from the property line of the proposed establishment;
 - ii. Each tenant of a mobile home park whose property line is fewer than 5,000 feet from the property line of the proposed establishment;
 - iii. Any advisory board that represents one or more owners of recreational vehicle property or tenants of a mobile home park whose property line is less than 5,000 feet of the property line of the proposed establishment;
 - c. The notice must be written in language that is easy to understand and must set forth the date, time, place, and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The applicant shall pay the costs of providing the required notice.
3. **Public Hearing.** Any interested person is entitled to a public hearing. The Commission shall conduct a public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date.
4. **Decision and Notice.** Following close of the public hearing, the Commission shall recommend approval, conditional approval, or denial of the application. The Council shall affirm, deny, or modify the Commission's recommendation at its next regularly scheduled meeting. An affirmative vote of $\frac{3}{4}$ of the Council shall be required to approve the addition of a G overlay district.
5. **Limits on Conditions of Approval.** No conditions of approval of a G overlay district shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable base zoning districts, unless specifically approved by the Council.
6. **Findings.** At the hearing, the applicant must prove the following:
 - a. The roads, water, sanitation, utilities, and related services to the location are adequate;

- b. The proposed establishment will not unduly impact public services, consumption of natural resources, and the quality of life enjoyed by residents of the surrounding neighborhoods;
- c. The proposed establishment will enhance, expand, and stabilize employment and the local economy;
- d. The proposed establishment will be located in an area planned or zoned for that purpose consistent with NRS Sections 278.010 to 278.630, inclusive; and
- e. The proposed establishment will not be detrimental to the health, safety, or general welfare of the community or be incompatible with the surrounding area.
- f. On the date that the application was filed:
 - i. The property line of the proposed establishment was at least 5,000 feet from the property line of a developed residential district as defined in NRS 463.3086(9)(a).
 - ii. The property line of the proposed establishment was at least 5,000 feet from the property line of a public school, private school, or structure used primarily for religious services or worship.
 - iii. The proposed establishment will not adversely affect:
 - (a) Any developed residential district unit whose property line is within 7,500 feet of the property line of the proposed establishment.
 - (b) A public school, private school, or structure used primarily for religious purposes, whose property line is within 5,000 feet of the property line of the proposed establishment.

7. *Exceptions.*

- a. *Applicability.* The findings above shall not apply if:
 - i. A proposed G overlay district is located entirely within a Master Plan overlay or Planned Community district of 1,000 acres or more and such Master Plan overlay, Planned Community district, or G overlay district would be either:
 - (a) Established on or before January 1, 2008; or
 - (b) Located within a redevelopment district.
 - ii. A proposed expansion of an existing G overlay district was in existence as of September 18, 2007; and
 - iii. A proposed G overlay district is within 1,500 feet of existing or future alignment of the centerline of Las Vegas Boulevard, as amended, contains a minimum of 25 acres, a minimum of 500 hotel rooms and meets all other criteria of a resort hotel as defined by HMC Title 4.
- b. An application filed pursuant to HMC Subsection 19.8.3 G-7.a of this Section shall require proof that on the day the application was filed:
 - i. The property line of the proposed establishment was at least 500 feet from the property line of a developed residential district;

- ii. The property line of the proposed establishment was at least 1,500 feet from the property line of a public school, private school, or structure primarily for religious services or worship; and
 - iii. The proposed establishment will not adversely affect:
 - (a) Any developed residential district with a property line within 2,500 feet of the property line of the proposed establishment; and
 - (b) A public school, private school, or structure used primarily for religious purposes with a property line within 2,500 feet of the property line of the proposed establishment.
- 8. **Reapplication.** If the Council denies a petition submitted consistent with this Section, it shall not consider another petition concerning the same location or any portion thereof for one year after the date of denial.
- H. **Appeals.** Appeals of Council decisions on amendments to the G overlay district shall be consistent with NRS 463.3088.
- I. **Amendments to G Overlay District Plan.** Any amendment to an approved plan shall require a new application and approval consistent with this Code.
- J. **Expiration, Extension, and Transfer.** Unless extended, an approved G overlay district shall expire two years from the date of approval, with the following exceptions:
 - 1. The project for which the G overlay district was approved is diligently pursuing construction or is completed; and
 - 2. The G overlay district runs with the land and automatically transfers to subsequent property owners as long as there is no change in the development plan. Except as specified in HMC Subsections 19.8.3-B, C, and D of this Section, any change in the approved development plan will cause the G overlay district to expire.
- K. **Development Plan Review.** Following approval of a G overlay district, the applicant shall apply for a CUP and specific development plan review. Plans for a project requiring a G overlay district shall be accepted for CUP and development plan review only if they are consistent with the approved development plan presented to Commission and Council with the G overlay district application and with all other applicable requirements of this Code.

19.8.4 Hillside Overlay District

- A. **Purpose.** The Hillside (H) overlay district provides for the reasonable use of hillside areas and related lands while protecting the natural environment, public health, safety, and general welfare by:
 - 1. Determining whether certain conditions exist, such as loose or easily eroded soils or rocky soils that may require blasting and using appropriate engineering technology to ensure stable slopes during and subsequent to development.
 - 2. Reducing water runoff, soil erosion, and rockslides by minimizing grading and by requiring re-vegetation.
 - 3. Permitting intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, direction and shape of contour lines, and existing drainage patterns.

4. Preserving the scenic quality of the desert and mountain environment by identifying and considering sensitive ridgelines in development of hillside areas.
5. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring revegetation and restoration of graded areas.
6. Providing safe and convenient vehicular access by encouraging development on the less steeply sloped terrain.
7. Promoting cost-efficient public services by encouraging development on the less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services.
8. Providing specific design criteria for offsite improvements that will reduce grading and site disturbance.
9. Recognizing the unique characteristics of the hillside terrain and promoting the placement of building pads that are compatible with the hillside terrain.

B. Applicability and Zoning Map Designator.

1. The H overlay district may be applied to any area identified on the Hillside Regulation Map.
2. Establishment of an H overlay district may be initiated by the Council, Commission, or by a petition of property owners under the rezoning procedures established in HMC Section 19.6.4.C.
3. Each H overlay district shall be shown on the zoning map by adding a symbol to indicate the overlay zoning and shall be shown in written form by adding an “-H” designator to the base district designation.
4. If the 15 percent slope line covers any portion of a parcel, then the entire parcel is subject to the H overlay district.

C. Factors that Determine Whether a Hillside Development Plan is Required.

1. In addition to compliance with the provisions of this section, lots within the H overlay district with slopes of 15 percent or greater shall also be required to prepare a Hillside Development Plan prior to applying for development approvals.
2. A slope analysis shall be prepared to determine if a parcel or lot is subject to the requirement for a Hillside Development Plan. Areas within master plans that are already subject to a slope analysis or have density/disturbance caps based on a previous slope analysis, may not be eligible for a new slope analysis.
3. No land division or new construction shall occur on a lot in the H overlay district with a slope of 15 percent or more without approval of a Hillside Development Plan.
4. A lot or parcel that will be further divided prior to development shall be subject to the Hillside Development Plan only in the areas with 15 percent slope or greater.
5. A lot or parcel with slopes of 15 percent or more covering any portion of the parcel and that will not be further divided prior to development shall be subject to the H overlay district on the entire parcel or lot.

- D. **Concept Plan Review Required.** A complete Concept Plan Review application submittal is required, which must be reviewed by staff prior to proceeding with a formal Hillside Development Plan submittal. All items on the application checklist must be submitted for staff to perform a full review. Staff shall be permitted up to 30 days to provide comments to the applicant.
- E. **Site Meeting Required.** After the Concept Plan Review and prior to the submittal of an application for hillside development, the applicant, together with staff members from Community Development and Public Works Department, shall conduct a meeting on the development site to review overall site conditions, design, and constraints.
- F. **Applicability for the Hillside Development Plan**
1. **Minimum Requirements.** Hillside Development Plans shall, at a minimum, include the following:
 - a. A complete hillside development (entitlement) application (Tentative Map, Zone Change with Master Plan Overlay, Design Review, etc.) which addresses the City's Hillside Development Checklist;
 - b. A Grading Plan;
 - c. A Technical Drainage Study;
 - d. A three-dimensional rendering that depicts the before-and-after conditions of the proposal;
 - i. Staff may request an updated three-dimensional rendering if the proposal has considerably changed through the staff review process.
 - ii. Staff has the authority to request a more in-depth version of the rendering up to and including a fly-over video.
 - iii. A final three-dimensional rendering should be submitted prior to being scheduled for Commission.
 - e. An Existing Conditions Report:
 - i. A Native Plant Inventory prepared by a qualified revegetation company experienced in Mojave Desert restoration that contains the following:
 - (a) A current aerial photograph with site boundaries clearly marked;
 - (b) Identification of four, non-adjacent, ½-acre test areas within the subject property to determine average plant density for overall site, with areas outlined on a map (for properties under two acres in size, the test areas shall be at least ¼-acre in size);
 - (c) A plant list identifying plant species and number of plant species in the test area;
 - (d) Identification of plants to be salvaged from the disturbed area; and
 - (e) Identification of onsite or offsite plant nursery for salvaged materials.
 - ii. A photo study depicting the proposed development site prior to development. Photos should include all washes and significant topographical features as determined by site walk with staff per HMC Subsection 19.8.4.E;
 - iii. A map(s) identifying:
 - (a) Area to be disturbed with acreage noted;

- (b) Preliminary grading and drainage;
 - (c) Identification of desert washes; and
 - (d) Protected ridgelines;
 - (e) Adjacent parcels noting acreage and property ownership; and
 - (f) Identification of easements.
- f. A preliminary Hillside Restoration Plan intended to assist in transitioning to native revegetated or existing native landscape areas performed by a qualified revegetation restoration company experienced in Mojave Desert restoration. The Hillside Restoration Plan should include/adhere to the following:
 - i. Mojave Desert materials.
 - ii. The installation of the materials will be non-irrigated and maintained through establishment and sustainability of the plant materials by a qualified contractor.
 - iii. The materials must be established and weaned off supplemental watering within a minimum of one year to ensure survivability.
 - iv. Desert vegetation should not be used as a sole solution in highly visible public spaces such as streetscapes and common areas unless is blended with others more intense palette.
- G. **Staff Review of Hillside Development Applications.** Due to the increased complexity of hillside development requests and the various City departments required for review, staff shall be provided up to 30 days from submittal deadline to provide comments to the applicant. However, regardless of time elapsed, hillside development applications shall not be scheduled for a public hearing until the application submittal is deemed complete and accurate by the Director.
- H. **Development Regulations within the H Overlay District**
 - 1. ***Density Allocation and Maximum Site Disturbance.***
 - a. A slope analysis will dictate the final site disturbance and unit density allocation.
 - b. For all areas of the lot or parcel with less than a 15 percent slope and outside a sensitive ridgeline, 100 percent site disturbance may occur.
 - c. For areas of slope greater than 15 percent, the standards of this section shall apply. For property that is located in any permitted zone district with the H overlay district (with the exception of RS-1-H and RS-2-H under certain conditions), the amounts of density and site disturbance shall be specific to the slope category in which it is located (per table 19.8.4-1).
 - d. Hillside development is prohibited in residential zone districts of RM-10 or higher unless approved as a part of a Master Plan.

TABLE 19.8.4-1, DENSITY ALLOCATION AND SITE DISTURBANCE

Slope Category (%)	Density (Du/Ac.)	Max. Site Disturbance (%)
15-19.9	2	50

TABLE 19.8.4-1, DENSITY ALLOCATION AND SITE DISTURBANCE

Slope Category (%)	Density (Du/Ac.)	Max. Site Disturbance (%)
20-24.9	1	40
25-29.9	0.4	30
30-34.9	0.2	25
35 or more	0.1	15

- e. Property currently zoned RS-1-H or RS-2-H that is proposed to be rezoned or subdivided shall be subject to the following:
 - i. Existing lots currently zoned RS-1-H may be developed at a maximum of one dwelling unit per gross acre with a maximum of 50 percent site disturbance prior to subdividing. Subsequent subdivisions thereafter shall then abide by Table 19.8.4-1. Existing lots of record that were created prior to July 1, 1997, that are currently zoned RS-2 (Single-Family Residential) district may be developed at a maximum of two dwelling units per gross acre with a maximum of 50 percent site disturbance prior to subdividing. Subsequent subdivisions thereafter shall then abide by Table 19.8.4-1.
 - ii. Site disturbance shall include all grading for the development of the property, but shall not include any public or private street on existing lots of record that were created prior to July 1, 1997, and zoned RS-1-H and RS-2-H.
 - (a) A maximum of ten percent increase in site disturbance shall be allowed for the construction of a new driveway subject to staff level approval on such lots. Any increase in excess of the ten percent shall require Commission approval.
2. ***Density Allocation and Site Disturbance Redistribution.*** Density and site disturbance may be redistributed from portions of a lot or parcel with a slope 15 percent or greater to any area of the Hillside Development Plan, regardless of slope, in accordance with the following standards:
 - a. Areas from which density and site disturbance are redistributed shall be designated as natural areas in accordance with this section.
 - b. Density and site disturbance shall be redistributed only within the boundaries of the Hillside Development Plan. In no case shall the gross density exceed the base zoning of the property.
 - c. Site disturbance within a master plan area shall be subject to the following:
 - i. Density and site disturbance transfer within a master plan shall be permitted in accordance with Table 19.8.4-1 and shall be determined by a slope analysis for each planning area with slopes of 15 percent or greater.
 - ii. Site disturbance shall be tracked for each planning area of the hillside development submitted for review within the master plan. As each planning area is developed, the site disturbance will be tracked through the tentative

map review process to ensure compliance with site disturbance limitations for the overall master plan.

3. **Minimum Lot Area.** The minimum lot area for parcels zoned single-family residential shall be 4,500 square feet. For any zoning district with a minimum lot size less than 4,500 square feet, the lesser lot size requirement shall prevail.
4. **Lot Width and Depth.**
 - a. **General**
 - i. Lot width and depth of non-flag lots shall not exceed a ratio of three feet of width/depth for one foot of width/depth.
 - ii. Minimum lot width shall be 45 feet.
 - b. **Flag Lots**
 - i. The flagpole or panhandle portion of the lot shall be a minimum of 24 feet wide, and the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street.
 - ii. The non-flag portion of a flag lot shall be subject to the lot width/depth ratios for non-flag lots.
 - iii. The flagpole or panhandle portion of the lot shall not be included in calculating lot size.
5. **Setbacks for Commercial, Industrial, and Multifamily.** Except for required sensitive ridgeline setbacks, commercial, industrial, and multifamily projects shall provide setbacks in accordance with the base district in which the project is located.
6. **Setbacks, Single-Family Residential.**
 - a. **Minimum.** Except for required sensitive ridgeline setbacks, single-family residential shall provide setbacks in accordance with Table 19.8.4-2, Single-Family Residential Setbacks:

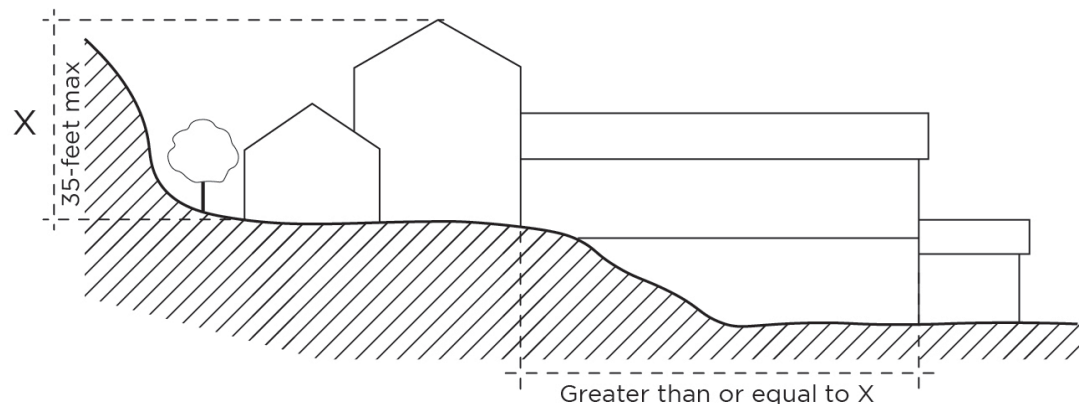
TABLE 19.8.4-2 SINGLE-FAMILY RESIDENTIAL SETBACKS

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

- b. **Adjustments.** However, in order to adjust for terrain and produce the optimum building area, setbacks may be provided as follows for individual lots:

- i. The aggregate total of setback dimensions around a building shall be equal to the sum of the minimum setbacks.
 - (a) Corner side setbacks may not be reduced.
 - (b) No setback, regardless of lot placement, shall be less than five feet. (For example, this Code requires an interior-side setback of five feet and a rear setback of 15 feet. Those two setbacks may be adjusted to ten-foot side and ten-foot rear.)
 - (c) On flag lots, the dwelling may be located five feet from any two sides, but the garage shall remain a minimum of 20 feet from the street. Interior side and rear setbacks for non-corner lots shall be the cumulative total of the setbacks, so long as a minimum of five feet is maintained from a property line.
7. **Building Height.** No structure shall exceed a height of 35 feet unless the structure is stepped or terraced. For the purposes of this section, a stepped or terraced building that exceeds an overall height of 35 feet must have a horizontal offset that is equal to, or greater than, the corresponding vertical height of each “step.” The height of each step or terrace shall not exceed 35 feet as measured from the lowest finished grade elevation or the maximum peak roof height on the lower step to the maximum peak roof height on the upper step. See Figure 19.8.4-A, Hillside Building Height.

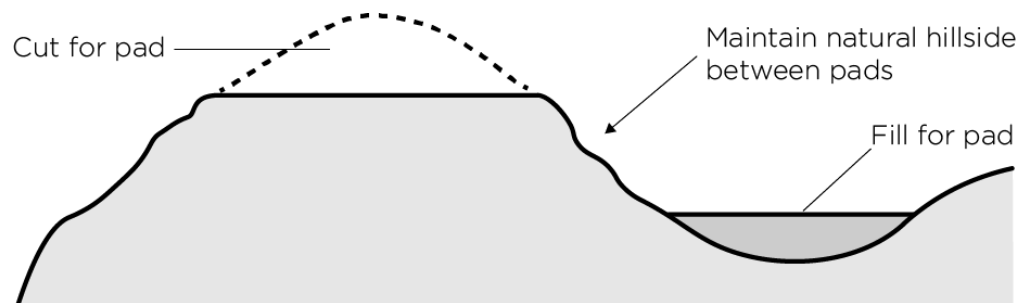
FIGURE 19.8.4-A, HILLSIDE BUILDING HEIGHT



8. **Grading Standards.** All development subject to the provisions of the hillside development regulations shall have a grading plan approved by the Community Development and Services Director and Public Works Director. The review process for the grading plan shall comply with the tentative map, planned unit development, or design review process. When none of the above are required, it will coincide with the building permit review. The grading shall be shown on a separate grading plan. All development shall meet all of the following criteria:
 - a. The portions of the site or lot to be graded must be clearly shown on the grading plan.
 - b. The grading plan and drainage study shall be approved by the Public Works Director prior to Commission approval.

- c. Unless approved by the Public Works Director and the Community Development and Services Director, there shall be no blasting, grubbing, grading, or clearing prior to approval of civil improvement plans by the Public Works Director or issuance of a grading permit by Building and Fire Safety. Blasting, grubbing, grading, and clearing are to occur only within the areas identified on the approved grading plan. A bond calculated for revegetation and restoration, as approved by Community Development, shall be provided to the Public Works Department prior to issuance of a grading permit.
- d. All portions of the site or lot to be left ungraded shall remain undisturbed and are not to be used for stockpiling of materials, excess fill, construction storage or staging, etc.
- e. If natural areas are designated on a site or lot, temporary fencing shall be installed where they abut construction areas in order to prevent encroachment into the natural areas.
- f. With the exception of roadways and driveways, the maximum vertical height of a vertical cut or fill shall not exceed 35 feet, and:
 - i. The cut or fill shall be varnished and revegetated in accordance with the Hillside Restoration Plan.
 - ii. The back-filled area shall be compacted per the soils report or approved grading plan and revegetated/varnished in compliance with this section.
- g. The edges of the cut or fill shall be shaped to conform with the natural topography of the land. See Figure 19.8.4 – B, Natural Hillside Retained Between Development Areas.

FIGURE 19.8.4-B, NATURAL HILLSIDE RETAINED BETWEEN DEVELOPMENT AREAS



- h. Areas disturbed for roadways and driveways shall be varnished and/or revegetated in accordance with the Hillside Restoration plan.
- i. Prior to any cut or fill on slopes that encroach into a Special Flood Hazard Area, the cut or fill design must first obtain the necessary drainage study and civil plan approvals prior to permit issuance for work within the hazard boundaries.
- j. The grading plan shall include a statement that certifies all finished floor elevations meet the minimum finish floor elevation criteria in the Uniform Regulations for the Control of Drainage, the Hydrologic Criteria and Drainage Design Manual, or the approved development agreement for the project.
- k. Excess material shall be hauled to an appropriate offsite disposal area.
- l. All site and hillside restoration shall be completed within 90 days of completion of work or prior to issuance of a certificate of occupancy, whichever occurs first. Residential

subdivisions may continue site restoration for a maximum of 360 days of completion of work, as determined by the Director. If grading operations cease for more than 120 days, site and hillside restoration shall occur and shall be completed within 60 days.

9. **Hillside Restoration.** All cut and fill areas including public or private streets and driveways must be restored according to the following:

a. **Revegetation**

- i. A landscape permit must be reviewed and approved by the Community Development and Services Department.
- ii. Restored areas must include only native plant materials.
- iii. Plant density must be at least 70 percent of the native density based on the native plant inventory per HMC Subsection 19.8.4.D.2.
- iv. A temporary watering system shall be installed, activated, and maintained until the revegetated or salvaged plant materials are established. Plant materials are considered established if they survive for one growing season after the temporary watering system is removed.
- v. Guarantee 80 percent survival rate of plant material.
 - (a) Survival rate shall be determined when the plant materials are considered established per HMC Subsection 19.8.4.H.9.a.iv above.
 - (b) Responsibility for the replacement of plants to meet the 80 percent survival rate falls on the developer or their designees. Restored hillside areas shall not be turned over to a homeowners' association until it is determined that 70 percent of the native plant density has been restored and 80 percent of the plants have survived.
- vi. Areas not exceeding a three-to-one slope must replicate the desert floor using the hand placement of rock, prior to application of varnish. Typical rock-mulching in restored areas is prohibited.
- vii. Seeds for trees, desert shrubs, and grasses must be planted with a density adequate to control erosion and shall use one of the following methods of planting:
 - (a) Raked into the soil with appropriate mulch materials;
 - (b) Hydroseeding;
 - (c) Anchored mulches;
 - (d) Established on jute, rolled straw, or similar material; or
 - (e) Any other method approved by the Director.

- b. **Revarnishing.** All disturbed areas to be restored must be varnished using a hue similar to the surrounding undisturbed area using an approved process. Alternatively, if approved by the Director, areas that are naturally dark may forego varnishing with appropriate revegetation.

10. ***Slope Stabilization.*** All cut and fill slopes steeper than a ratio of three-to-one (3:1) or as approved by a geotechnical report, with the exception of retaining walls, shall be stabilized with properly engineered stone riprapping or sculptured rock, if necessary, as follows:
 - a. Stone riprapping shall be hand-placed on the slope.
 - b. The stabilizing material used shall blend with the natural appearance of the site or lot and its surrounding terrain.
 - c. Unless otherwise approved by the Director, vegetation retention and revegetation shall be used in conjunction with riprapping.
11. ***Natural Areas.*** The intent of natural areas is to provide for retention of hillside areas in their natural state. The density and site disturbance shall be transferred to other portions of a site. Specific criteria for natural areas includes:
 - a. Natural areas shall be at least one-half acre in size or immediately adjacent or contiguous to other land also designated as a permanent natural area that, in the aggregate, totals at least one-half acre in size.
 - b. Site disturbance other than approved hiking trails shall not be permitted within the geographical area of a natural area.
 - c. The natural area shall be delineated in a surveyable manner on the tentative and final maps of a subdivision or on any development plan required for development other than a subdivision and shall be designated by legal description on a document recorded with the Clark County Recorder for lot division.
 - d. Natural areas that are also considered drainage shall have associated setbacks to protect adjacent lots or other improvements from erosion.
 - e. Natural areas may be designated as a deed-restricted portion of a privately owned lot or as a separate parcel. Such parcel may be under the ownership of a property owners' association or deeded to any organization that accepts responsibility for the perpetual preservation and maintenance of the natural area, subject to approval and acceptance by the City. To protect the natural areas, covenants that run with the land shall be recorded in favor of the City and of all owners with record interest in the natural area. Any covenant for the deed-restricted portion of the natural area must be filed/recorded with the County Recorder before or concurrently with the filing/recording of the final map. Should civil improvement drawings reveal that land within the deed-restricted area will have to be disturbed, then the final map and deed restriction must be amended such that an equal or greater amount of deed-restricted area results from the amendment.
 - f. Prior to issuance of a grading permit, natural areas must be identified with survey stakes and temporary fencing shall be installed where they abut construction areas in order to prevent encroachment into the natural areas.
 - g. Disturbed areas that are restored shall not be considered natural areas. Designated natural areas that are inadvertently disturbed must be restored to their natural condition.
12. ***Wall Standards.*** The intent of wall standards is to reduce the visual impact of screening and retaining methods used on hillside developments. Specific criteria for design includes:
 - a. The maximum combined height of retaining walls is 36 feet, subject to the following specific requirements:

- i. Masonry and poured reinforced concrete walls: for each six feet of vertical height, a six-foot horizontal offset shall be provided. See Figure 19.8.4-D, Masonry Walls.
- ii. Mortarless, and groutless concrete, and rock walls: for each 18-foot vertical maximum height a six-foot horizontal offset shall be provided. See Figure 19.8.4-D, Mortarless and Rock Retaining Walls.
- iii. A horizontal distance of 42 feet is required before another wall may begin unless otherwise approved through the Planned Unit Development (PUD) or Waiver of Standards process.
- iv. Offsets between walls must be sloped and include swales so that nuisance water flows do not overtop the wall.
- v. Offsets between the walls must be landscaped with desert native landscaping. Landscaping must be approved by the Director.

FIGURE 19.8.4-C, MASONRY WALLS

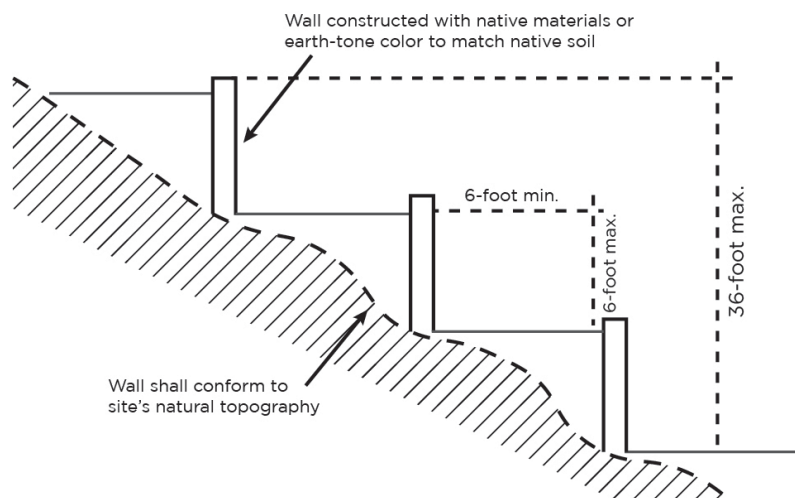
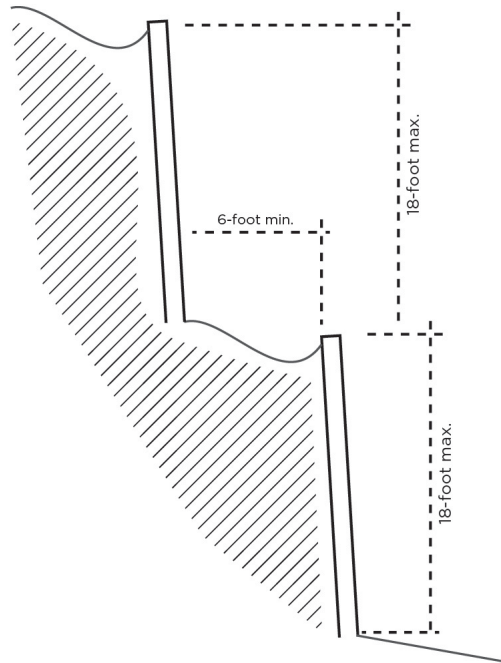


FIGURE 19.8.4-D, MORTARLESS AND ROCK RETAINING WALLS



- b. Walls shall conform to the topography of the site.
 - c. Walls with a change in alignment shall, to the greatest practical extent, incorporate the use of graduating steps rather than sharp corners.
 - d. Walls shall either incorporate the use of native materials or be earth-tone colors to match the native soils. All walls must be varnished/stained unless it can be demonstrated to the satisfaction of the Director that revarnishing would not fulfill the intent of this subsection.
 - e. The use of wrought iron or other similar open materials is encouraged for security walls, such as for pools. The attachment of wrought iron to the top of masonry walls is subject to review and approval by the Public Works Director.
 - f. Perimeter walls shall be permitted around the entire lot or parcel.
 - g. Perimeter walls shall not exceed a maximum height of 32 inches solid block and 40 inches wrought iron or a maximum of 72 inches wrought iron and no solid block.
 - h. Poured reinforced concrete retaining walls shall not have a smooth surface but shall have an exterior decorative finish with a design or pattern simulating the appearance and color of the natural desert landscape.
13. **Color.** For land subdivided by a tentative map/planned unit development and final map, as well as multifamily, commercial, industrial, public and semipublic uses, development within sensitive ridgeline setbacks and zoning approvals granted in accordance with the MP overlay district, all exposed exterior walls and roofs of structures, retaining walls, and accessory structures except satellite dishes, shall be colored to blend with the overall character of the desert environment.

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

14. **Buildings Materials.** Reflective building materials (mirror finished glass and mirror finished doors) shall not be permitted.
15. **Buildings Roofs.** Buildings with sloped roofs shall have roof slopes approximately parallel to the natural slope of the land.
16. **Building Pad.** Stepping floor elevations shall be utilized to avoid massive building forms and surfaces that contrast with the surrounding terrain.

FIGURE 19.8.4-E, BUILDING SET INTO STEEP HILLSIDE

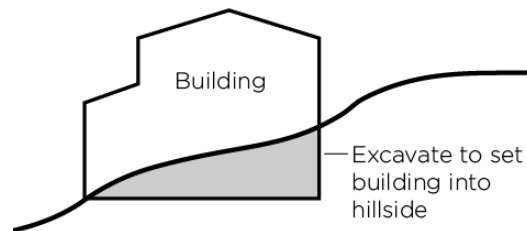


FIGURE 19.8.4-F, STEPPED BUILDING

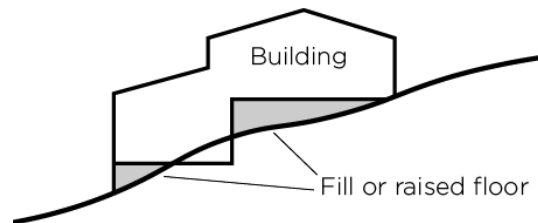
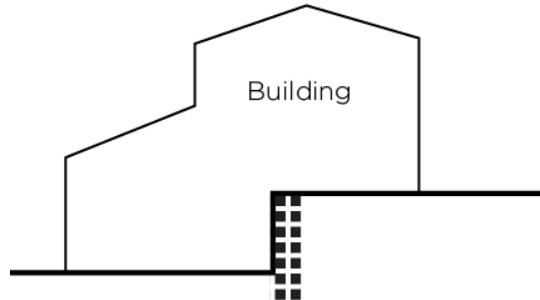


FIGURE 19.8.4-G, RETAINING WALL WITHIN STRUCTURE



17. **Usable yard area.** All single-family detached lots within the H overlay district shall be exempt from the slope and grading standards in this Code as they relate to usable yard area.
18. **Mechanical Equipment, Residential.** All external mechanical equipment shall be ground-mounted and screened. Additionally, required vents shall be architecturally compatible with the structure.
19. **Mechanical Equipment, Non-Residential.** All external mechanical equipment shall either be located in a mezzanine or ground-mounted and screened. Additionally, buildings utilizing a flat roof shall provide a parapet one foot above the highest required vent, and the vents shall be architecturally compatible with the structure.
20. **Landscaping.** These requirements shall apply to those areas outside of the designated revegetated areas in accordance with the Hillside Restoration Plan. For land subdivided by a tentative map, as well as for all uses other than single family residential, development within sensitive ridgeline setbacks, and zoning approvals granted in accordance with the MP or PUD overlay, landscaping within the hillside development area shall be as follows:
 - a. Plant materials shall be those per the Arizona Nursery Association and the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List or as specified by the Director.
 - b. Any installation of new natural turf grass is prohibited. Existing natural turf grass shall comply with HMC Title 14, and in no case shall existing natural turf areas violate applicable water conservation standards in effect at the time of development approval; additionally, turf grass areas shall be located within an enclosed area and not be visible from a lower elevation. Public or private parks and golf courses shall be exempt from this requirement.
 - c. Golf courses shall be subject to the following landscaping criteria:
 - i. A maximum of five acres of natural turf area per hole, to include a driving range, shall be permitted.
 - ii. Site disturbance shall be calculated based upon Table 19.8.4-1.
 - iii. Site disturbance may be transferred to areas of greater slope provided site disturbance in the higher slope area shall not exceed 50 percent.
 - iv. Cuts and fills shall be regulated per this Code.

- v. The intent of this requirement is that existing single-family lots and single-family lots created by parcel maps, a tentative map (not planned unit development), and a final map that are not located within sensitive ridgeline setbacks be exempt from landscaping requirements.
21. **Improvements.** All requirements and standards pertaining to public or private streets, alleys, easements, driveways, drainage, sidewalks, curbs and gutters, curb cuts, fire hydrants, sewage, underground utility services, water supply, erosion control, monuments, and streetlighting shall be as prescribed by this Code.
- a. *Water (Utility Services Department).* Except as noted, all water systems shall be designed in accordance with the Uniform Design and Construction Standards for Water Distribution Systems, Clark County, and the Uniform Standard Specifications for Public Works Construction, Clark County Area.
 - b. *Water (Fire Department)*
 - i. Water System Design Flow. The water mains and the distribution system shall be designed to deliver a minimum residual pressure of 20 pounds per square inch (psi) at the fire hydrants in service during maximum day demand plus the required fire flow demand. Minimum fire flow shall be as prescribed by the Fire Code. The system shall be designed in accordance with the requirements of the Department of Utility Services and the Fire Department and assessed on a case-by-case basis. The system shall be designed to provide a minimum of 40 psi at the finish floor elevation of the structure during peak hour conditions without fire flow. A maximum pressure delivery at the point of service shall not exceed 120 psi.
 - ii. Building Fire Sprinkler Systems. All buildings shall be provided with an approved automatic fire sprinkler system in accordance with the Fire Code. The onsite private water system design shall accommodate the requirements for building fire sprinkler systems. The building fire sprinkler system shall meet City requirements, in addition to the Fire Code requirements. (Based upon steeper road grades, reduced roadway design speeds, reduced roadway width, longer dead-ends and cul-de-sacs, reduced water system design requirements, and relaxed secondary access requirements, the response time for emergency vehicles is increased above that of conventional development patterns within the City. Given the increased response time, a Request for Code Modification to eliminate the building sprinkler system is subject to review and approval by Building and Fire Safety.)
 - iii. Water Main Sizes. Residential water main sizes shall be as required by the Department of Utility Services. If minimum fire-flow requirements are met, water main extensions may not be required to be looped.
 - iv. Fire Hydrant Branch Lines. Fire hydrant branch lines shall be set at right angles to street mains. The hydrant shall be set at the end of the branch line and shall face the branch. No horizontal or vertical bends or reducers shall be used in installing fire hydrant branch lines unless specifically approved by the City. Under no circumstances shall any size or manner of tap be made on a fire hydrant branch line.

- v. Fire Hydrant Location and Distribution. The number and spacing of fire hydrants shall meet the approval of the Fire Department.
- c. *Wastewater Collection Treatment.* Wastewater collection systems shall be designed in accordance with the latest edition of the Design and Construction Standards for Wastewater Collection Systems, Clark County.
- d. *Drainage Design.* Drainage facilities shall be designed to maintain the natural run-off characteristics to the maximum practical extent. In the event that rear- and side-lot drainage facilities are utilized, all such facilities shall be designed in accordance with the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual. Private drainage facilities and easements shall be privately maintained.
- e. *Roadways*
 - i. All roadways, public or private, shall be designed according to the standards of this ordinance, AASHTO requirements, and the approved traffic study. The standards are also intended to supplement the Public Works Department Plan Review Guidelines. Roadways should be located such that impacts to the natural environment are avoided. They should follow the topography of the area to minimize grading cuts and fills. Curvilinear horizontal alignments and gently rolling profiles consistent with the natural topography will minimize unnecessary site disturbance. Significant features, such as rock outcroppings, should be avoided.
 - ii. The standards in Table 19.8.4-3, Roadway Standards in the H Overlay District, shall apply to roadways in the H overlay district.

TABLE 19.8.4-3 ROADWAY STANDARDS IN THE H OVERLAY DISTRICT

Item #	Feature	Required Standard
1	Right-of-way	42 feet (no parking or parking on side); see Figures 19.8.4.I & 19.8.4.J 45 feet (parking on both sides); see Figure 19.8.4.K
2	Travel lanes	2
3	Face-of-curb or flowline dimension	24 feet (no on-street parking) 28 feet (parking on one side) 36 feet (parking on both sides)
4	Curbing	Curbing shall be required; curb type shall be as approved by the Public Works Director
5	Design speed	20 miles per hour
6	Stopping site distance	125 feet
7	Site distance (intersections)	200 feet
8 & 9	Minimum center line radius	180 feet without super-elevation

TABLE 19.8.4-3 ROADWAY STANDARDS IN THE H OVERLAY DISTRICT

Item #	Feature	Required Standard	
		140 feet with 2 percent super-elevation	
10	Minimum vertical curve length	100 feet	
11	Maximum cross-slope in curve	4%	
12	Minimum grade	0.5% for L curb, 0.8% for rolled curb, unless otherwise approved by the Public Works Director	
13	Maximum grade	15%	
14	Maximum grade length	Option A (within any given mile)	9% = 3,180 feet 9-12% = 1,400 feet 12-15% = 700 feet
		Option B	8% average, never to exceed 15%
15	Vertical clearance	13 feet 6 inches	
16	Sidewalks	4-foot walk on one side of the street	
17	Cul-de-sacs	Radius: 45 feet measured to the face-of-curb	
18	Vertical curves	Required if grade difference exceeds 1 percent	
19	Grade change	Maximum of 6% change over 25 feet	
20	Roadway aprons	2 percent maximum slope measured 4 feet from the back-of-curb on both sides of street	
21	Right-of-way slope	3 feet horizontal for 1 foot vertical behind the roadway apron and within the right-of-way	
22	Cross-slopes	4 percent	
23	Street lighting	Intersections and other locations for public safety as required by the Public Works Department	
24	Intersection spacing	200 feet, measured center line to center line	

- iii. The following street cross section designs are allowed for interior subdivision streets in the H overlay district.

FIGURE 19.8.4-H, ROAD CONFIGURATION IN H OVERLAY DISTRICT WITH NO ON-STREET PARKING

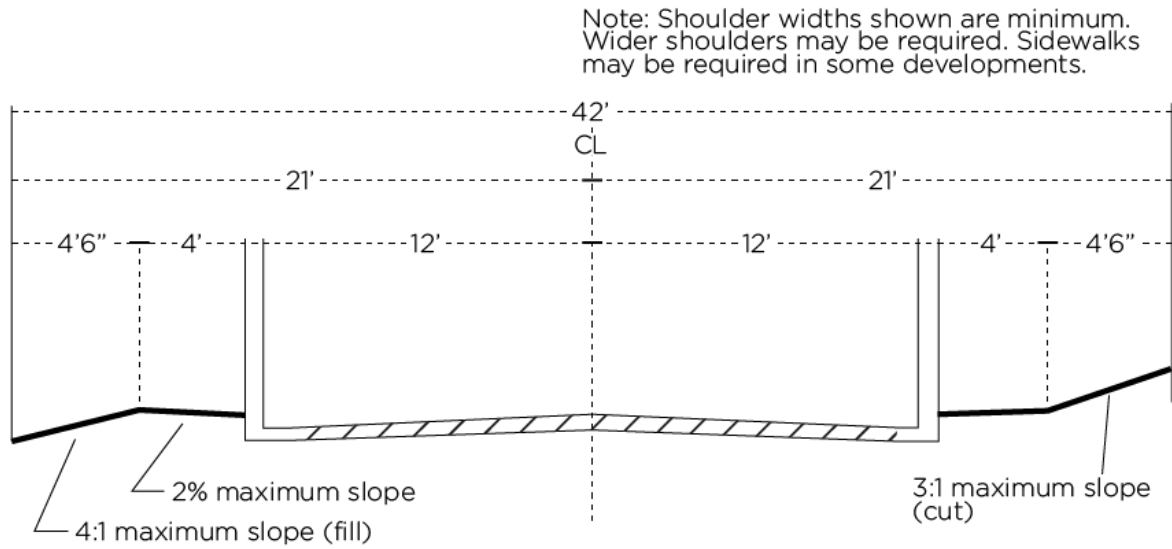


FIGURE 19.8.4-I, ROAD CONFIGURATION IN H OVERLAY DISTRICT WITH PARKING ON ONE SIDE OF THE STREET (MAY ONLY BE USED FOR SINGLE-LOADED STREETS/STREETS WITH HOUSES ON ONLY ONE SIDE)

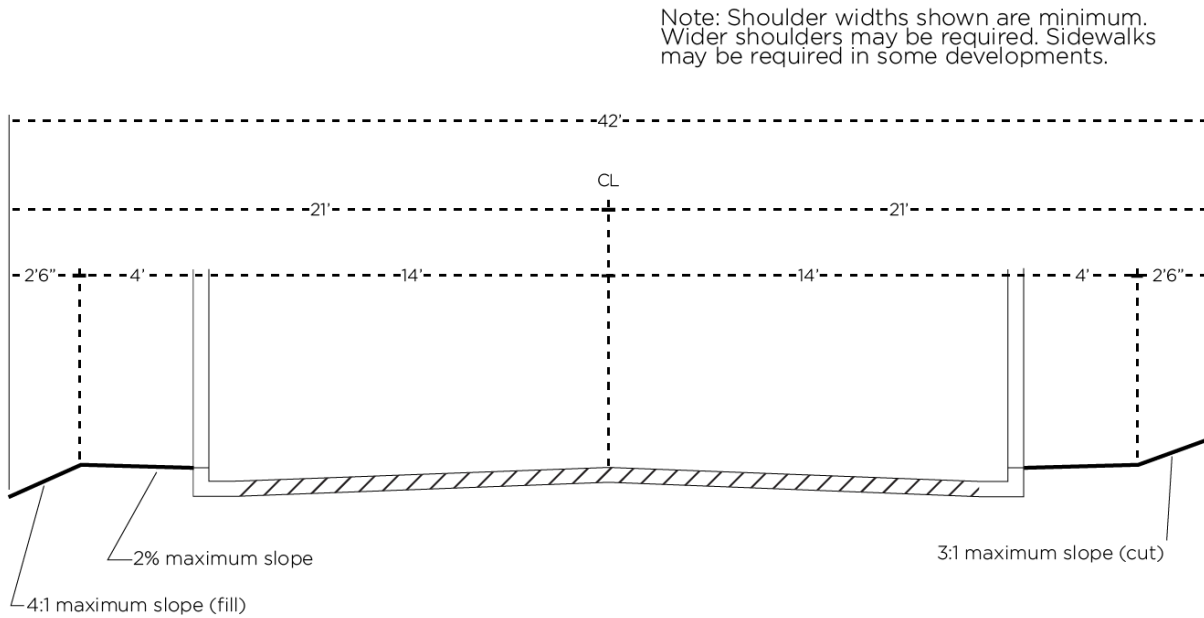
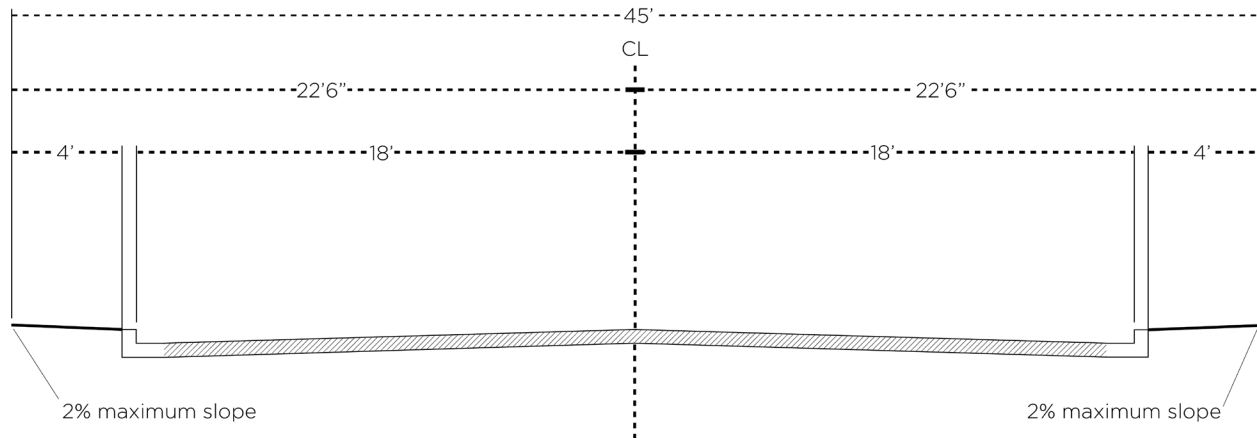


FIGURE 19.8.4-J, ROAD CONFIGURATION IN H OVERLAY DISTRICT WITH PARKING ON BOTH SIDES OF THE STREET

Note: Shoulder widths shown are minimum. Wider shoulders may be required. Sidewalks may be required in some developments.



- f. **Driveways.** For the purposes of this section, driveways are private drives providing access from a roadway to a home or homes.
- A maximum of four homes are permitted per driveway.
 - Additional driveways to a single residence, including circular driveways, may be permitted provided they do not adversely disrupt the surrounding environment, subject to Public Works Director approval.
 - Driveways shall meet the criteria in Table 19.8.4-4, Driveway Configuration in the H Overlay District:

TABLE 19.8.4-4, DRIVEWAY CONFIGURATION IN THE H OVERLAY DISTRICT

Type	Min. Width (ft.)	Max. Width (ft.)	Max. Grade (%)	Shoulder Width (ft.)
Driveway serving a single residence	14	20	14	5 (both sides)
Driveway serving multiple residences	20	24		

- Driveways greater in length than 150 feet shall comply with the Fire Code and Fire Department guidelines for hillside driveways.
- Additional safety measures may be needed and will be reviewed on a case-by-case basis.

22. ***Homeowners' Association.*** Each Hillside Development Plan that provides for private streets or improvements, common open space, perimeter landscaping, or natural areas shall establish and maintain a homeowners' association. The association shall be responsible for the maintenance and upkeep of all private streets and improvements as well as all common open space, perimeter landscaping, and natural areas.
23. ***Sensitive Ridgeline Development.***
 - a. ***Sensitive Ridgeline Setback.*** All development, excluding perpendicular road crossings, is subject to a 100-foot setback from each sensitive ridgeline as depicted on the Hillside Regulation Map. The 100-foot setback is measured horizontally on each side of the center of the ridgeline. The applicant shall designate the sensitive ridgeline setback area as a natural area in accordance with HMC Subsection 19.8.4.H.11, Natural Areas, above.
 - b. ***Transfer of Development Outside Sensitive Ridgeline Setback.*** Hillside Development Plans that include property within a sensitive ridgeline setback are permitted transfer of density and site disturbance outside the area of a sensitive ridgeline setback.
 - i. Calculate density and site disturbance per HMC Subsection 19.8.4.H.2, Density Allocation and Maximum Site Disturbance, above, for the area within the sensitive ridgeline setback.
 - ii. Transfer all density and site disturbance outside the sensitive ridgeline setback.
 - iii. Designate the sensitive ridgeline setback area as a natural area in accordance with HMC Section 19.8.4.H.11, Natural Areas, above.
 - iv. All transfers must occur within the subject property. Transfers cannot be to any other property that is not a part of a Hillside Development Plan.
 - c. ***Development Within Sensitive Ridgeline Setback.*** Residential development on preexisting lots of record created on or before July 1, 1997, not being further subdivided are subject to the following:
 - i. Split-pad design shall be utilized.
 - ii. Maximum building height shall not exceed 25 feet.
 - iii. Building material color to include walls shall match the natural colors found on the lot or parcel.
 - iv. The slope of all roofs shall be the same as the natural slope of the property.
24. ***Findings of Fact.*** In approving any development proposal the Commission or Council must find that the proposed project:
 - a. Preserves the integrity of and locates development within the least impact upon sensitive peaks and ridges, or any other significant topographical feature designated on the existing conditions report per HMC Subsection 19.8.4.D, above.
 - b. Minimizes grading and site disturbance.
 - c. Locates development compatibly with the natural terrain.
 - d. Provides for adequate drainage, protects downstream properties, and minimizes erosion.

- e. Provides for development standards in excess or equal to those required by this ordinance.
- f. Provides for adequate revegetation.

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

25. ***Application Requirements.*** Each application for approval of a Hillside Development Plan shall be initiated by all property owners or their authorized agent. The form of the application and submittal requirements including additional submittal requirements required by the hillside checklist shall be as established by the Director.

26. ***Amendments to Approved Hillside Development Plans***

- a. Any request for amendment to an approved Hillside Development Plan that increases the number of dwelling units, decreases or relocates common open space or natural areas, alters road patterns, changes the types of structures, increases the building area, changes the types and offsets of retaining walls, or results in a request for new waivers shall be initiated and processed as a new application.
- b. Minor amendments, as determined by the Director, including revisions to site plans or architecture proposed in response to conditions of approval, may be approved administratively.
- c. An application to approve additional area or annexation of property with a slope in excess of 15 percent in the H overlay district shall be initiated by the Director or by property owners or an authorized agent. If the property is not under a single ownership and all owners agree to the proposed development, then all owners shall join the application. A map showing the extent of ownership and the proposed area for inclusion within the H overlay district shall be submitted with the application. Procedures for an amendment shall be initiated in the same manner as a new application for zoning.

27. ***Exemptions.***

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

19.8.5 Master Plan Development Overlay District

A. **Purpose.** The specific purposes of the Master Plan Development (MP) overlay district are to:

- 1. Ensure orderly planning for the development of large, unsubdivided lots of the City within limited-service areas, and in other developing areas, consistent with the Comprehensive Plan;
- 2. Maintain an environmental equilibrium consistent with existing vegetation, wildlife habitat, soils, geology, topography, and drainage patterns, and protect sensitive natural resources;
- 3. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands or traffic exceeding the capacity of existing or planned facilities;
- 4. Encourage innovative and sensitive site planning and universal design with high levels of landscaping and various site amenities;

5. Ensure adequate and equitable provision of open space, recreational facilities, and other community amenities for residents of all ages;
 6. Encourage high-quality structures in terms of design, materials, and layout;
 7. Ensure that all modes of transportation links are maintained and enhanced with adjacent developments and other areas in the City; and
 8. Accommodate neo-traditional designs.
- B. **Applicability.** The MP overlay district may apply to any area over 50 acres in size, unless otherwise approved by the Council. The MP overlay district may be combined with any base zoning district.
- C. **Zoning Map Designation.** Each MP overlay district shall be shown on the zoning map by adding a symbol to indicate the overlay district zoning and shall be shown in written form by adding a designator (“MP”) to the base zoning district designation.
- D. **Specific Standards.**
1. **Modifications.** Unless expressly modified in an approved master development plan, the otherwise applicable regulations of this Code apply within a MP overlay district, including the use, intensity, and the subdivision design and improvement standards. A development standards document is required for all proposals with modifications to Code regulations, and for all proposals in the MR district. No land division in an area subject to an MP shall be permitted without an approved master development plan. The Commission may recommend, and the Council approve a master development plan including lots smaller than those required by the base zoning district. Restrictions on the number of dwelling units permitted shall be recorded with a subdivision map prior to issuance of a grading permit.
 2. **Park Acreage.** Park acreage shall be provided at a minimum of 5.5 acres per 1,000 residents in every MP overlay district.
- E. **Use Regulations.** Land use regulations shall be the same as those in the base zoning district within which the MP overlay district is applied. No new or expanded use may be approved unless a master development plan has been approved. To promote mixed-use development, commercial and residential uses may be combined in any plan, site, or building.
- F. **Required Plans and Materials.** Each MP master development plan shall set forth a land use and circulation system concept that is consistent with the traffic-carrying capacity of surrounding streets, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. Submittal requirements and exhibits shall be the same as a planned unit development application, except that a tentative map shall only be required for an accompanying subdivision or planned unit development.
- G. **Specific Procedures.**
1. **Initiation.**
 - a. The MP overlay district may be initiated by the Council, Commission, or by a petition of property owners consistent with this Subsection. If the property is not under a single ownership and all owners agree to the proposed development, all owners shall join the application, and a map showing the extent of ownership shall be submitted within the application, if applicable.
 - b. Applications to amend zoning or conditions that are part of an approved MP shall be initiated by the master developer. If there is no master developer with an interest remaining at the time of the amendment, then the authorized representative(s) of the

property owner's association, the owner of the property in question, or the City may initiate an application.

2. **Approval of a Master Development Plan.** The review and approval procedures for a master development plan are established in HMC Sections 19.21.5 and 19.21.6. In order to approve a master development plan, the Council must make the same findings as are required for a planned unit development.
3. **Amendments to Adopted Master Development Plan.** Amendments to adopted master development plans shall be processed as zoning map amendments consistent with the procedures in HMC Sections 19.21.4, 19.21.5, and 19.21.6.
4. **Development Plan Review.** Plans shall be accepted for design review under HMC Chapter 19.24, Design Review, and may be administratively approved only if they are consistent with an approved master development plan, a master sign plan (if required), and all the other applicable requirements of this Code.

19.8.6 Planned Unit Development Overlay District

- A. **Purpose.** The Planned Unit Development (PUD) overlay district is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, energy and water efficiency, aesthetics, high-quality development and other healthy and livable community goals by:
 1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
 2. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
 3. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
 4. Requiring compliance with development standards that reflect the high level of public investment in adjoining lands; and
 5. Accommodating Traditional Neighborhood Development.
- B. **Developer's Statement of Intent.** Each application for approval of a PUD shall include a statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this Code and how the proposed development is an improvement over what would otherwise be required by applicable development regulations.
- C. **Specific Standards.** The standards of this Subsection apply to all PUDs unless otherwise expressly provided.
 1. **Size.** There is no minimum or maximum size requirement for PUDs.
 2. **Density.** The maximum residential density allowed within a PUD shall be that of the base zoning district.
 3. **Setbacks.** Setbacks shall be provided consistent with the underlying base zoning district unless another minimum setback is expressly approved as part of a PUD.
 4. **Signs.** Unless otherwise expressly provided in this Code, PUDs are subject to the sign regulations in HMC Chapter 19.13, Signs.

5. **Landscaping.** Unless otherwise expressly provided in this Code, PUDs are subject to the landscaping and buffer regulations in HMC Chapter 19.11, Landscaping Standards.
 6. **Parking.** PUDs are subject to the off-street parking and loading standards in HMC Chapter 19.12, Parking and Loading Standards.
 7. **Common Open Space.**
 - a. **Minimum Requirements.** All PUDs that include residential dwelling units shall provide common open space consistent with HMC Section 19.10.10, Open Space.
 - b. **Management.** A PUD that includes common open space shall be subject to NRS 278A.130 to 278A.190, inclusive.
- D. **Use Regulations.**
1. **Residential Base Zoning Districts.** The following uses may be allowed if approved as part of a PUD that is located in a residential base zoning district, so long as the use is permitted in the underlying base district:
 - a. Detached and attached single-family homes (including mobile and modular homes in trailer estates as established in HMC Chapter 9, Use Regulations);
 - b. Multifamily residences, including multi-story residential structures;
 - c. Day care, including limited, large-family, and general facilities;
 - d. Religious assembly;
 - e. Accessory buildings and structures;
 - f. Circulation and parking facilities including lots and garages supporting the PUD;
 - g. Signs including public and private street identification signs;
 - h. Streetlighting and street furniture;
 - i. Underground utilities; and
 - j. Other residential and supporting uses expressly approved as part of the PUD.
 2. **Nonresidential Base Zoning Districts.** Only uses permitted in the underlying base zoning district are allowed in PUDs that are located in nonresidential base zoning districts.
- E. **Specific Procedures.**
1. **Review and Approval.** The review and approval procedures for PUDs are established in HMC Sections 19.21.5 and 19.21.6.
 2. **Waivers to Standards.** Unless otherwise expressly allowed by this Section and approved by the Council during the PUD approval process, PUDs are subject to all applicable standards of this Code, including those of the underlying base zoning district. In order to approve waivers of otherwise applicable standards, the Council must find that the waiver request complies with HMC Section 19.23, Waiver of Standards.

19.8.7 Redevelopment Overlay District

- A. **Purpose.** The purpose of the Redevelopment (RD) overlay district is to ensure that redevelopment within designated areas is consistent with all applicable Henderson Redevelopment Plans dated October 4,

1995, and as amended by Council, as well as the Downtown Master Plan and Eastside Investment Strategy, as applicable.

B. Applicability.

1. Provisions of the RD overlay district apply to all development within the RD boundary.
2. Except as otherwise specified in the Redevelopment Plan, allowable land uses and land use restrictions of the underlying base zoning district apply.

C. Redevelopment Overlay District Boundary. The RD overlay district shall be the boundary of the City's redevelopment area, as depicted in the adopted Henderson Redevelopment Plan on the map entitled, "Redevelopment Area," and as amended by the Council.

D. Zoning Map Designator. Each RD overlay district shall be shown on the zoning map by adding a symbol to indicate the overlay district zoning and shall be shown in written form by adding a designator ("RD") to the base zoning district designation.

E. Required Plans and Materials. Each application submitted in compliance with requirements of this Section for review by the Director shall include the same exhibits as required for a design review application, as well as any additional information required by the Director for thorough review of the application.

F. Application Review.

1. Each application for development within the RD overlay district shall be subject to the redevelopment area review procedures of Table 19.18.2-1, Review Procedures and Decision-Making Responsibilities.
2. The Director shall review each request, obtain Redevelopment Agency advice when appropriate, and make written findings consistent with provisions established in the Redevelopment Plan, Downtown Master Plan, and Eastside Investment Strategy, as applicable.
3. If the Director finds the proposed project to be in compliance with the Redevelopment Plan and applicable provisions from the Downtown Master Plan and Eastside Investment Strategy, the applicant shall then apply for design review and any other approvals required for the project under this Code.
4. If the Director does not find the project in compliance, the applicant shall either withdraw the application, redesign the project to comply or appeal the Director's decision to the Henderson Redevelopment Agency.
5. If the Redevelopment Agency upholds the applicant's appeal, the applicant shall then apply for design review and any other approvals required for the project under this Code.

G. Redevelopment Regulations Adopted, Amendments. Amendments to the Redevelopment Plan shall be initiated and processed consistent with NRS 279.

19.8.8 Rural Neighborhood Overlay District

A. Purpose. The intent of the Rural Neighborhood (RN) overlay district is to preserve the rural character of the designated rural neighborhoods by identifying and maintaining the density unique to each of the rural neighborhoods in the City that have some or all of the following characteristics:

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

2. Custom-built homes;
 3. No mandatory CC&Rs or homeowners' associations;
 4. Suitable for keeping and riding horses in a rural residential setting;
 5. Trail access to mountainous areas surrounding the City;
 6. Residential lots large enough to park boats, horse trailers, and other recreational vehicles behind the front setback line and having enough rear-yard area to construct accessory buildings, stables, tack houses, and other horse-related outbuildings;
 7. Residential densities low enough to allow substantially more physical separation between neighboring dwellings than typically found in urbanized areas;
 8. Modified pavement sections and few public streetlights and sidewalks; and
 9. Less light pollution from fewer residential nighttime activities and house lighting in general.
- B. **Applicability.** The RN overlay district may only apply to DH, PS, RS-1, and RS-2 districts.
- C. **Zoning Map Designator.** Each RN overlay district shall be shown on the zoning map by adding a symbol to indicate the overlay district zoning and shall be shown in written form by adding a designator ("RN") to the base zoning district designation.
- D. **Initiation.** An application to establish or amend a RN overlay district shall be initiated by a property owner or authorized agent, or by the City. For applications not initiated by the City, and if the properties to be added or removed are not under single ownership, all individual owners must join and sign the application before submittal to the City.
- E. **Required Plans and Materials.** A map showing the extent of ownership shall be submitted with each application. The application shall adhere to the following standards:
1. Each RN overlay district shall be a minimum affected area of 160 acres or greater and shall include a state-designated rural neighborhood within its boundaries. Exceptions to the size may be approved by Council.
 2. Each application shall be consistent with the purposes of this Section.
 3. An amendment shall not segment, divide, or create a non-RN island with the RN.
 4. All applications shall show the limits of "Rural Preservation" as defined by state statute. Applications may include more area than that defined by state statute.
 5. Applicants requesting amendments to the RN overlay district shall demonstrate that the amendment mitigates any potential significant adverse impacts to the rural neighborhood and the City to the maximum practical extent.
 6. Undeveloped lands outside City corporate boundaries but adjacent to a rural neighborhood as designated by the City shall be subject to the provisions of this Section upon annexation.
 7. Applicants shall hold a neighborhood meeting before applying for a zone change from the City. The meeting shall be conducted at a nearby public facility such as a school, public library, or similar public meeting place. The applicant shall comply with the notification standards set forth in HMC Subsection 19.19.5.D, Public Notice.

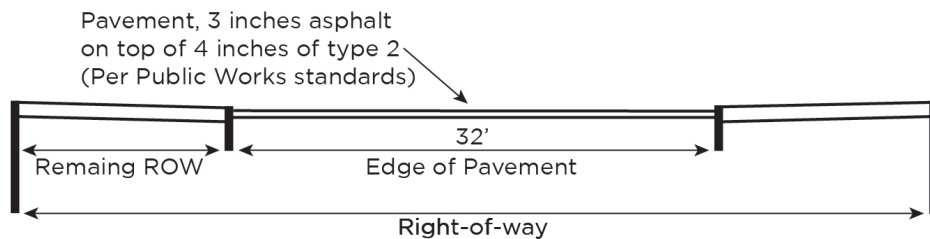
F. Underlying Zoning Districts.

1. Applications for zoning districts other than DH, RS-1, RS-2, or PS shall require removal of the RN overlay district.
2. Applicants requesting to amend the underlying zoning districts on land designated as RN shall have the burden of demonstrating that the zone change will not have significant adverse impacts on other property in the vicinity of the subject amendment.

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

1. **Streets.** All streets shall conform to the adopted Master Transportation Plan. Intersections with designated rural roads with modified street sections shall comply with Public Works' specifications. For streets not listed on the adopted Master Transportation Plan, unless full dedication was accepted prior to adoption of this ordinance, the right-of-way on each residential street shall be maintained at 60-foot width, and the improvements therein shall be as follows:
 - a. Each street shall have a pavement width of minimum 32 feet as measured 16 feet respectively on either side of the centerline of right-of-way;
 - b. The remaining right-of-way on either side shall be reserved for equestrian and trail use;
 - c. Revocable or other use permits may be granted in the right-of-way on either side of the pavement;
 - d. Sidewalks shall not be required in the remaining right-of-way; and
 - e. Streetlights shall not be required.

FIGURE 19.8.8-A RURAL STREET CROSS-SECTION



2. **Trails.**
 - a. Connectivity and accessibility between trail systems within rural neighborhoods shall be provided and consideration for trailhead sites shall be given, where feasible.
 - b. Trailheads shall be located in a manner that will direct vehicular traffic onto arterial roadways rather than imposing on rural neighborhood streets, where feasible.

H. Exceptions.

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

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

19.8.9 Sensitive Lands Overlay District

- A. **Purpose.** The purpose of the Sensitive Lands (SL) overlay district is to protect and enhance the visual and environmental quality of designated areas such as the area referred to as the Sloan Canyon National Conservation Area Gateway. The specific purposes of the SL overlay district are to ensure that:
 1. Sites are developed with due regard to protecting the environmental qualities of the natural terrain and landscape including protection of native vegetation, wildlife habitat, riparian areas, cultural resources, and that land disturbance is kept to minimum to preserve and enhance the natural resources and visual quality of a site;
 2. Development avoids natural hazard areas;
 3. Structures, including roads, do not block or intrude adversely into significant views to and from the site. The scenic quality of the desert and mountain environment is preserved by designing structures and roads to be compatible with the natural topography;
 4. Development is properly related to its site and surrounding landscape, and structures are compatible with their surroundings;
 5. Natural open space, landscaping, parking, and other site features are designed to enhance the visual and physical use of the property and to screen visually intrusive uses;
 6. Natural drainage channels are integrated into a system of protected, multiple purpose natural open space;
 7. Multi-jurisdictional, regional planning, and collaboration are pursued to enhance the visual and physical use of the property as well as to ensure the safety of residents, visitors, and employees; and
 8. Development is oriented to maximize visibility and accessibility by minimizing the use of walls, fronting natural open space with streets, trails, parks, and/or other public places.
- B. **Applicability.** This Section applies to all lands and proposed development located within any area designated a SL overlay district.
- C. **Zoning Map Designator.** Each SL overlay district shall be shown on the zoning map by adding a symbol to indicate the overlay district zoning and shall be shown in written form by adding a designator ("SL") to the base zoning district designation.
- D. **Designation of SL Overlay District.**
 1. The SL overlay district shall be established in compliance with the rezoning procedures of HMC Subsection 19.21.4, Zone Change/Zoning Map Amendments, as modified by the standards and procedures in this Section.
 2. Upon its own initiative or upon recommendation by the Commission, the Council may, in addition to any existing base zoning district, apply the SL overlay district to any area or property. In designating such area, the Council shall enumerate the significant natural and visual attributes justifying such designation and apply standards, uses, and densities consistent with the procedures established in this Section.

3. Designation as a SL overlay district may be required as a condition for approving any request for a rezoning, CUP, PUD, master plan, or any discretionary land use development application.
4. If requested by the applicant, a zoning map amendment to the SL overlay district and promulgation of standards, uses, and densities may be processed simultaneously with other forms of required development approvals, as set forth in HMC Section 19.19.3, Simultaneous Processing.

E. Specific Standards.

1. Prior to designation of an area or property as a SL overlay district, the Council shall direct the Director to undertake such studies as are necessary to establish development review standards, appropriate uses, and densities for the overlay district. These standards, uses, and densities shall be consistent with the purposes set forth in this Section and necessary to protect the significant natural and visual attributes of the overlay district enumerated by the Commission or Council in proposing the overlay. Such studies may include environmental, traffic, design, and visual analyses.
2. The Director shall, based on such studies, propose the boundaries of the overlay district, development review standards, and a list of appropriate uses and densities of development. Such standards may address all aspects of development necessary to achieve the purposes of this Section and to protect the significant natural and visual attributes of the overlay district including but not limited to:
 - a. Universal building design, including materials, colors, architectural detail, massing, and other exterior design features of any structure;
 - b. Dimensional attributes of structures including height limits and setbacks (e.g., setbacks from regional natural drainage channels);
 - c. The location of structures on a site;
 - d. Landscaping;
 - e. Mean of illumination;
 - f. Fencing, screening, and buffering;
 - g. Vegetation protection;
 - h. Accessibility and circulation;
 - i. Minimization of grading activities;
 - j. Establishment of protected, natural open space;
 - k. Storm drainage and trails; and
 - l. Signage and gateway community features.
3. The Commission shall review such proposed overlay district boundaries, design standards, uses, and densities and make a recommendation to Council for final approval simultaneous with designation of a SL.

F. Specific Procedures. Any application for development in a SL overlay district shall comply with the required study referenced in this Section or any applicable development agreement.

Part III – Citywide Standards

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Chapter 19.9 Use Regulations

Sections:

- 19.9.1 Land Use Regulations
- 19.9.2 General Use Classification Provisions
- 19.9.3 Accessory Uses
- 19.9.4 Residential Uses
- 19.9.5 Public/Institutional Uses
- 19.9.6 Commercial Uses
- 19.9.7 Industrial Uses
- 19.9.8 Agricultural Uses
- 19.9.9 Temporary Uses

19.9.1 Land Use Regulations

Table 19.9.1-1, Land Use Regulations, lists the land use regulations for all listed zoning districts. For all downtown zoning districts, see the Downtown Master Plan.

This Chapter defines and sets forth requirements for land uses. This Chapter also regulates 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.

TABLE 19.9.1-1, LAND USE REGULATIONS

Symbol	Meaning
“P”	The use is permitted, subject to all applicable regulations of the Code.
“S”	The use is permitted, subject to additional standards listed for the specific use type.
“C”	A Conditional Use Permit is required.
“A”	The use is permitted as an accessory use to a principal use, subject to additional standards.
“T”	A Temporary Use Permit is required.
“-“	The use is not permitted.

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Accessory Uses																		
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Keeping	See HMC Subsection 19.9.3.B, Accessory Animal Keeping																	
Drive-in and Drive-through Facilities	-	-	-	-	C	C	C	-	-	C	C	C	C	-	-	C	-	-
Home Occupation	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-
Moving Van/Truck Rental	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A	-	-
Outdoor Display and Sales	-	-	-	-	-	A	A	A	-	A	A	A	A	A	A	-	-	-
Outdoor Dining and Seating	See HMC Section 19.9.3.G, Outdoor Dining and Seating																	
Solar Collection System	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wind Energy System	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Residential Uses																		
Household Living	See use types below																	
<i>Dwelling, Live/Work</i>	-	S	S	-	S	S	S	-	-	-	-	-	-	C	-	C	-	-
<i>Dwelling, Multifamily</i>	-	P	P	-	P	P	P	-	-	-	-	S	-	-	-	-	-	-
<i>Dwelling, Single-family Attached</i>	P (RS-6 and RS-8 only)	P	P	-	P	P	P	-	-	-	-	-	-	-	-	-	P	-
<i>Dwelling, Single-family Detached</i>	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
<i>Senior Housing</i>	-	S	S	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-
<i>Accessory Dwelling Unit</i>	S	S	S	-	-	S	S	-	-	-	-	-	-	-	-	-	-	-
Community Residence	S	S	S	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Facility for Transitional Living for Released Offenders	C	C	C	-	C	C	C	-	-	-	-	-	-	-	-	-	C	-
Manufactured/Mobile Home Park or Subdivision	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Short-Term Vacation Rental	S	S	S	S	S	S	S	-	-	-	-	S	-	-	-	-	-	-
Travel Trailer/RV Park	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
Public/Institutional Uses																		
Airport or Landing Strip	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Club or Lodge	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	C	-
Community Food Services	-	-	-	-	S	S	-	S	S	S	S	-	-	-	-	-	S	S
Cultural Institution	-	-	-	-	P	P	C	C	P	P	P	P	-	-	-	-	-	C
Day Care	See use types below																	
Day Care Center	C	C	C	-	C	C	C	C	S	C	C	S	C	-	-	-	-	-
Family Home	S	S	S	S	P	P	P	-	-	-	-	-	-	-	-	-	S	-
Group Child Care	C	C	-	C	C	C	C	S	S	S	-	-	-	-	-	-	-	-
Detention Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Employment & Training Center, Non-Profit	-	-	-	-	C	C	-	-	-	C	C	-	-	C	-	-	-	C
Government Office	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Heliport	-	-	-	-	C	-	-	-	-	C	C	C	C	C	C	C	-	C
Hospital	-	-	-	-	C	C	-	-	-	P	P	S	-	-	-	-	-	C
Institutional Housing	See use types below																	
Group Living-General	-	C	C	C	S	S	S	C	-	-	S	-	-	-	-	-	-	C

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Supportive Housing</i>	-	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-	-	C
Park and Recreation Facility	C	C	C	C	P	P	P	C	C	C	C	C	C	-	-	-	-	C
Public Safety Facility	C	C	C	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Religious Assembly	C	C	C	C	C	C	C	S	S	S	S	S	S	C	C	C	C	P
School	-	S	S	-	C	C	-	C	C	S	-	-	-	C	-	C	S	S
Telecommunication Facilities	See use types below																	
<i>Eligible Facilities Requests (EFR)</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<i>Small Cell Facilities</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<i>Non-small cell co-locations</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<i>Antennas</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<i>Stealth Facilities</i>	—	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<i>Non-Stealth Towers</i>	—	—	—	—	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility, Minor	P	P	P	P	S	S	S	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	C	C	C
Vocational School	-	-	-	-	S	S	C	S	S	S	P	S	S	P	P	P	-	-
Youth Drop-In Center	C	C	C	-	C	C	C	C	C	C	C	-	-	-	-	C	-	C
Commercial Uses																		
Animal Services	See use types below																	
<i>Animal Boarding</i>	C (RS-1 and RS-2 only)	-	-	-	S	S	-	-	-	S	S	S	-	C	-	-	C	-
<i>Animal Sales and Grooming</i>	-	-	-	-	S	S	S	S	-	S	S	-	-	-	-	-	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Veterinary Clinic/Hospital</i>	-	-	-	-	S	S	S	C	-	S	S	-	-	-	-	-	-	-
Artists' Studio	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	-	-
Bail-Bond Broker	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Banquet/Convention Facility	-	-	-	-	P	P	C	-	C	P	P	P	-	-	-	-	-	-
Commercial Recreation and Entertainment	See use types below																	
<i>Cinema/Theaters</i>	-	-	-	-	P	P	-	C	-	P	P	P	-	-	-	-	-	C
<i>Indoor Sports, Recreation, and Entertainment</i>	-	-	-	-	C	C	C	-	-	P	P	P	-	C	C	C	-	C
<i>Outdoor Sports, Recreation, and Entertainment</i>	C	-	-	-	C	C	-	-	-	S	S	C	-	C	C	C	-	C
<i>Teenage Dancehalls and Nightclubs</i>	-	-	-	-	C	C	-	-	-	C	-	C	-	-	-	-	-	-
Daily Labor Service	-	-	-	-	C	C	-	-	-	C	C	-	-	C	-	-	-	-
Eating and Drinking Establishment	See use types below																	
<i>Restaurant</i>	-	-	-	-	P	P	P	P	S	P	P	P	P	S	-	S	-	S
<i>Restaurant with Bar</i>	-	-	-	-	P	S	S	S	S	S	S	S	S	C	-	C	-	S
<i>Tavern</i>	-	-	-	-	C	C	-	-	-	C	C	C	-	C	-	-	-	-
<i>Wine Lounge</i>	-	-	-	-	C	C	C	-	-	C	-	C	-	-	-	-	-	-
<i>Artisan's Beer and Wine Room Establishments</i>	-	-	-	-	C	C	C	-	-	C	-	C	-	-	-	-	-	-
<i>Brew Pub/Craft Distillery/Estate Distillery</i>	-	-	-	-	C	C	C	-	-	C	-	C	-	C	-	-	-	-
Emergency Healthcare Facility	-	-	-	-	P	P	P	S	P	P	P	S	-	C	C	C	-	C
Farmer's Markets	C	C	C	C	P	P	P	S	S	S	S	S	S	-	-	-	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Financial Institution	See use types below																	
<i>Banks and Credit Unions</i>	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	-	-	-
<i>Check Cashing, Deferred Deposit Service, Vehicle Title Loan Facility, and/or High Interest Loan</i>	-	-	-	-	C	-	-	C	-	C	C	-	-	-	-	-	-	-
Fleet-Based Services	-	-	-	-	C	C	-	-	-	S	S	S	S	S	S	S	-	-
Food Preparation	-	-	-	-	P	P	P	P	P	P	P	P	-	P	-	-	-	-
Funeral and Interment Service	-	-	-	-	-	C	-	-	-	C	C	-	-	S	S	-	-	S
Gaming Establishment	See use types below																	
<i>Nonrestricted Gaming</i>	-	-	-	-	C	C	-	-	-	-	C	C	-	-	-	-	-	-
<i>Restricted Gaming</i>	-	-	-	-	S	S	S	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	P	P	-	A
Maintenance and Repair Service	-	-	-	-	C	C	-	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	C	C	-	-
<i>Retail Marijuana Dispensary</i>	-	-	-	-	C	C	-	C	C	C	C	-	-	C	C	C	-	-
Mini-Storage Facility	-	-	-	-	-	-	-	C	-	S	S	-	-	S	S	C	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Mobile Food Vendor	-	-	-	-	S	S	S	S	S	S	S	S	S	S	S	S	-	-
Office	See use types below																	
<i>Business and Professional</i>	-	-	-	-	P	P	P	P	P	P	P	P	S	S	S	S	-	-
<i>Medical</i>	-	-	-	-	P	P	P	P	P	P	P	P	-	C	C	C	-	S
Personal Service	See use types below																	
<i>General</i>	-	-	C	-	P	P	P	P	S	P	P	S	-	-	-	-	-	-
<i>Dry Cleaning Agency</i>	-	-	-	-	P	P	P	S	S	S	S	S	-	-	-	-	-	-
<i>Massage</i>	-	-	-	-	C	C	-	-	-	C	C	-	C	-	-	-	-	-
<i>Reflexology</i>	-	-	-	-	S	S	S	S	S	S	-	S	-	-	-	-	-	-
<i>Tattoo and Body Alteration Studio</i>	-	-	-	-	C	C	-	-	-	C	C	C	-	-	-	-	-	-
Retail Sales and Service	See use types below																	
<i>General</i>	-	-	-	-	P	P	P	P	S	P	P	P	-	S	S	S	-	-
<i>Auction Facility</i>	-	-	-	-	-	-	-	-	-	S	S	-	S	S	S	S	-	-
<i>Building Materials</i>	-	-	-	-	C	C	-	-	-	C	C	-	-	P	P	-	-	-
<i>Convenience Store</i>	-	-	C	-	S	S	S	S	S	S	S	S	S	-	-	-	-	-
<i>Grocery Store</i>	-	-	-	-	P	P	P	P	C	P	P	P	P	-	-	-	-	-
<i>Liquor Store</i>	-	-	-	-	C	C	-	-	-	C	C	C	-	-	-	-	-	-
<i>Pawnshop</i>	-	-	-	-	C	-	-	-	-	C	C	-	-	S	S	-	-	-
<i>Pawnshop with Vehicles</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-
<i>Pharmacy</i>	-	-	-	-	P	P	P	P	S	P	P	P	-	S	-	-	-	-
<i>Plant Nursery</i>	-	-	-	-	-	-	-	-	-	C	P	-	-	P	P	-	-	-
<i>Equipment Rental</i>	-	-	-	-	-	-	-	S		S	S		-	-	-	-	-	-
<i>Secondhand Goods</i>	-	-	-	-	C	C	C	S	-	S	-	S	-	-	-	-	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Smoke/Tobacco/Vape Shop</i>	-	-	-	-	-	-	-	-	-	C	C	C	-	C	C	C	-	-
<i>Swap Meet</i>	-	-	-	-	-	-	-	-	-	C	C	-	-	S	S		-	-
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
Vehicle/Equipment Related Uses	See use types below																	
<i>Auto Broker</i>	-	-	-	-	-	-	-	S	S	S	S	-	S	S	S	S	-	-
<i>Vehicle Sales</i>	-	-	-	-	S	S	-	-	-	C	C	C	S	C	C	-	-	-
<i>Vehicle Rental</i>	-	-	-	-	C	C	-	-	S	C	C	S	P	C	C	-	-	-
<i>Equipment Sales, Service, and Rental</i>	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-	-	-
<i>Car Wash, Drive-Through</i>	-	-	-	-	C	C	-	-	-	S	S	-	S	-	-	-	-	-
<i>Car Wash, Full Service</i>	-	-	-	-	C	C	-	-	-	S	S	-	S	-	-	-	-	-
<i>Car Wash, Self Service</i>	-	-	-	-	C	C	-	-	-	C	S	S	S	-	-	-	-	-
<i>Gas Station</i>	-	-	-	-	C	C	-	C	-	C	C	-	C	C	C	C	-	-
<i>Fleet Fueling Station</i>	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	C	-	-
<i>Service Station</i>	-	-	-	-	C	-	C	C	-	C	S	C	S	C	C	-	-	-
<i>Smog Check Station</i>	-	-	-	-	S	S	A	S		S	S		S	S	S	S	-	-
<i>Vehicle/Equipment Repair</i>	-	-	-	-	-	-	-	-	-	C	S	-	S	S	S	-	-	-
<i>Vehicle Storage</i>	-	-	-	-	-	-	-	-	-	S	C	-	S	C	C	-	-	-
Visitor Accommodation	See use types below																	
<i>Hotel</i>	-	-	-	-	P	P	-	-	C	P	P	P	-	-	-	-	-	-
<i>Motel</i>	-	-	-	-	P	P	-	-	C	P	P	P	-	-	-	-	-	-
<i>Recreational Vehicle Resort</i>	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-
<i>Residential Hotel and Motel</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Resort Hotel</i>	-	-	-	-	C	-	-	-	-	-	-	C	-	-	-	-	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
<i>Time-Share Project</i>	-	-	-	-	C	C	-	-	-	-	-	C	-	-	-	-	-	-
Wedding Chapel	-	-	-	-	P	P	C	-	-	P	P	P	-	-	-	-	-	-
Industrial Uses																		
Cogeneration Power Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C
Commercial Laundry	See use types below																	
<i>General</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
<i>Limited</i>	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	-
Communication Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Data Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Concrete Product Production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Construction Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-
Food and Beverage Manufacturing	See use types below																	
<i>Large Scale</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-
<i>Small Scale</i>	-	-	-	-	C	C	-	-	-	C	C	C	-	P	-	P	-	-
Industry	See use types below																	
<i>Custom</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
<i>General</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-
<i>Limited</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-
<i>Research and Development</i>	-	-	-	-	-	-	-	-	C	C	P	-	-	S	S	S	-	-
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Maintenance Service Facility,	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	C
Mining and Processing	See use types below																	
<i>General</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	MC	MN	CN	CO	CC	CH	CT	CA	IL	IG	IP	DH	PS
Short Term	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Recycling Facility	See use types below																	
Collection Facility	-	-	-	-	-	-	-	-	-	S	S	-	-	S	S	S	-	-
Processing Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
Warehousing, Storage, Wholesaling, and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-
Agricultural Uses																		
Agriculture	See use types below																	
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	P	P	P	S	S	S	S	S	S	S	S	S	S	S
Indoor Agriculture	-	-	-	-	S	S	S	P	P	P	P	P	P	P	P	P	-	-
Market Garden	S	S	S	S	C	C	C	S	S	S	S	S	S	S	S	S	-	-
Temporary Uses																		
Circuses and Carnivals	-	-	-	-	T	T	T	T		T	T	T	-	-	-	-	-	T
Commercial Filming, Limited	T	T	T	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	T	T	T	-	-
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	T	T	-	-	-	-	T
Temporary Construction Trailer, Onsite	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

TABLE 19.9.1-2, LAND USE REGULATIONS

Use Category	Zoning Districts																	
	RS	RM	RH	RMH	MR	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	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	T	T	T	-	-	-	-	-
Temporary Event	T	T	T	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	T	T	T
Temporary Real Estate Sales Office, Onsite	S	S	S	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	T	T	T
Temporary Security Trailer	S	S	S	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	T	-	T
Temporary Vehicle/Equipment Sales and Auctions	-	-	-	-	T	-	-	-	-	T	T	T	T	T	T	T	-	-

19.9.2 General Use Classification Provisions

- A. **Use Classifications.** Use classifications organize 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 Director may assign the land use to a use category or use type that is substantially similar in character consistent with the procedure in HMC Chapter 19.36, Interpretation of the Development Code. The 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 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;

- 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; and

D. **Prohibited Uses.** The following uses are prohibited within the City:

1. Residential Hotels and Motels.
2. Bed & Breakfast facilities.
3. Age-restricted communities, unless approved through the master development plan per HMC Section 19.8.5 or development agreement process per HMC Section 19.7.2. Applications for age restricted communities shall include an analysis of potential impacts on city services.

E. **Consumptive Water Use.** The City will evaluate proposed uses based upon Consumptive Water Use and may limit allowable uses at the sole discretion of the Director of Utility Services, based on Consumptive Water Use. At the time of any entitlement application, business license, or building permit the City may require written documentation of the proposed use's Consumptive Water Use. If the proposed use's Consumptive Water Use is 10 million gallons of water per year or greater, the applicant shall be required to provide written documentation that, at a minimum, provides the following information:

1. Projected annual water usage, including water usage based upon project phasing and projected buildout of the project; and
2. Projected discharge to the wastewater system, based upon project phasing and projected buildout of the project; and
3. The business or company's proposed plan to achieve water use efficiency; and
4. The business or company's proposed plan to mitigate its impact on the limited water resources available to the city.

F. Each 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.

19.9.3 Accessory Uses

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. **Permit Required.** Unless exempted, a building permit shall be required in cases where an accessory use or structure is proposed to be added subsequent to a principal use. Freestanding accessory structures of 200 square feet or less are exempted from the building permit requirement unless a mechanical, electrical, or plumbing permit is required.

3. ***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.
4. ***Timing.*** Accessory uses shall not be established prior to the start of construction or issuance of the building license 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 HMC Title 7, 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 in all zoning districts.
 - i. Unless otherwise allowed in another section of this Code, the keeping of animals shall be for the owner's or resident's use only. Only animals permitted by this code or HMC Title 7 are permitted to be kept on a property.
 - ii. The owner or resident 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 ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, ferrets, birds, potbellied pigs, hamsters, rabbits, and 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. Any request to exceed this number shall comply with HMC Title 7.
 - iii. **Potbellied Pigs.** May be kept as an accessory use on a lot with a detached single-family dwelling in the RS-1 through RS-4 and DH Districts in compliance with the following standards.
 - (a) **Maximum Number.** A maximum of one potbellied pig may be maintained per property/lot.
 - (b) **Minimum lot Size.** 10,000 square feet.
 - c. ***Nondomesticated Animals.*** Nontraditional animal species bred and kept in captivity and utilized as a Nondomesticated Animal, including but not limited to goats, emus, rheas, 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. May be kept on a lot with a single-family detached dwelling in the RS-1 through RS-4 Districts.
 - ii. A Design Review application is required.
 - iii. **Minimum Lot Size.** 10,000 square feet.

- iv. Maximum Number. One Nondomesticated Animal per 10,000 square feet, up to a maximum of 10 total, regardless of species, per parcel.
- v. 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; enclosures, pens, and shelters shall not be located within a required front or corner side yard setback, must be set back a minimum of five feet from the other property's lines and must be at least 20 feet from any other home/residence.
 - (c) All nondomesticated 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 nondomesticated 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. All solid walls or visual barriers must be constructed in accordance with all applicable building codes and construction requires a building permit.
- vi. No animals may be kept for slaughter or bred for sale.
- 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 200 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. Roosters are not permitted in any zoning district.
- e. *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.

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.

iii. Fencing and Enclosures.

- (a) Horses and 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.
- (b) Enclosures shall be a minimum of six feet in height.

iv. 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.

f. 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 approval 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 except RS-8, RM, RH, RMH, CO and CA.

- (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 $\frac{1}{2}$ -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.
 - (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 honeybees). 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 HMC Section 19.9.3.D, 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 HMC 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 HMC Title 7, HMC Title 15, or HMC Chapter 19.35, 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 which also includes pick-up or drop-off windows.
- 2. **Standards.**
 - a. *Where Allowed and Permit Requirement.* Drive-in and drive-through facilities are not allowed in residential districts or in the MN, CO, CN, IL, IG, DH, or PS districts. In other districts, drive-in and drive-through facilities are allowed subject to CUP approval unless otherwise stated:
 - i. Banks and Credit Unions; Dry Cleaning; Pharmacy
 - b. A conditional use permit is required if the use will be located within 300 linear feet of a residential district boundary unless an intervening building or a major collector or minor arterial as shown on the Master Transportation Plan, is located between the drive-through service and the residential district boundary.
 - c. *Sound Systems.*
 - i. Within 300 Feet of a Residential Dwelling. Outdoor sound systems are prohibited. Face to face ordering is allowed.

- ii. More than 300 Feet from a Residential Dwelling. An automated volume control system is required. Design treatments, such as porte cocheres, may be required to provide further sound mitigation.
- d. **Design.** Design of the drive-in, drive-through facility (including the drive lanes and stacking spaces) shall demonstrate integration with the site; compatibility with surrounding uses; screening; architectural compatibility with the principal structure; efficient vehicular travel; and the pedestrian environment of the overall development.
- e. **Location.**
 - i. Drive-through lanes and stacking spaces shall be set back 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 do 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.
 - iii. Stacking spaces are counted beginning at the point of order from the vehicle (order station/menu board), not the pickup window. For a business that only contains a pick-up/drop-off window, stacking spaces are counted from the pick-up/drop-off window.
- f. **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), except for horticultural activities.
 - 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. No employees shall report to work at or be physically dispatched from the property.
 - c. **Operational.**
 - i. No more than 5 percent (5%) of the floor area of the primary dwelling (excluding garage space) may be devoted to the storage of stock in trade. Storage of explosives, ammunition or firearms are not permitted as stock and trade. Storage shall not block required egress paths from the dwelling.
 - ii. A home occupation shall be conducted entirely within a portion of a building, not within a required parking area, except for horticultural activities.

- iii. A home occupation may not 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 HMC Subsection 19.9.3.D. 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 outside storage of materials or equipment in conjunction with the home occupation activity shall be permitted. This includes outdoor storage of materials and scrapping/recycling storage either on-site or on a vehicle/trailer parked on the street.
- 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. One trailer incidental to the home occupation may also be stored on-site either within the garage or on the side of the home (behind the front of the building). The trailer may not be parked on the street or in front of the dwelling. Commercial vehicles as defined by the Henderson Municipal Code are not permitted (including without limitation tow trucks, dump trucks, buses, taxis, limousines, food trucks or trailers, ice cream trucks or trailers, forklifts, backhoes, concrete mixers and mobile sign trucks or trailers.).
- f. *Prohibited Home Occupations.*
 - i. No home occupation shall be allowed that will create or cause noise, dust, light, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards, the storage of toxic/hazardous materials, or any other hazardous or nuisance to a greater degree than normally experienced in the district in which the Home Occupation 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;
 - (c) Restaurants/Catering;
 - (d) All Vehicle/Equipment Sales and Service Uses;

- (e) Animal related services (on-site grooming, boarding, and/or animal day-care unless specifically approved by a Conditional Use Permit in RS-1/RS-2);
 - (f) Sexually oriented businesses
 - (g) The sale or storage of tobacco products, tobacco paraphernalia or alcoholic beverages;
 - (h) On-site commercial preparation of food for service on or off the premises; or
 - (i) Any type of business that HMC Title 4 would not permit to be operated out of a residential dwelling unit.
- iii. No home occupation shall be allowed that is prohibited by the City of Henderson Building Code.

E. Moving Van/Truck Rental.

1. **Definition.** As a use accessory to a principal use on a site, the rental of pick-up trucks, vans, and/or box trucks specifically held out to be for use by people who are relocating their homes, businesses, etcetera.
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 moving van/trucks for rent may be parked on site, unless otherwise specifically stated in this Code.
 - c. Trucks shall be limited to those 16 feet or fewer in length.
 - d. Parking or storage of vehicles for rent shall not displace parking spaces required for the primary use or be parked along street frontages.

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 a 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.
- e. *Parking.* Parking must be provided for the outdoor customer service area and shall be based upon the requirements of the primary use.

H. Solar Collection System

- 1. ***Definition.*** Any solar collector or other solar energy device, certified pursuant to state law, along with ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electrical generation, or water heating.

2. *Standards.*

- a. ***Setbacks, Location, and Height.***
 - i. In single-family residential areas, solar collection systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, solar collection systems shall be integrated into the design and architecture of accessory structures if placed between a principal structure and the public right-of-way.
 - ii. In all zoning districts, freestanding solar collection systems shall be located a minimum of six feet from all property lines and other structures. When adjacent to single-family residential areas, freestanding solar collection systems shall be set back from shared property lines by a distance equal to the height of the solar collection system when it is fully extended.
 - iii. In single-family residential areas, a solar collection system mounted on a structure shall not extend more than five feet above the highest point of the roof to which it is mounted and freestanding solar collection systems shall not exceed the height of the primary structure. In all other zoning districts, solar collection systems shall not extend more than five feet above the maximum height limit in the zoning district in which it is located.
 - iv. Restrictions regarding placement and location shall comply with all applicable state laws, including NRS 111.239.

b. *Appearance.*

- i. A structure-mounted solar collection system that is visible from a single-family residential area or public right-of-way shall, to the maximum extent practicable, be integrated into the design and architectural character of the building to which it is attached.
- ii. Excluding solar collection panels, their necessary support structure, and conduits, all equipment related to a solar collection system shall comply with HMC Section 19.10.7. Screening Requirements.

c. *Code Compliance.* Solar collection systems shall comply with all applicable building and electrical codes contained in HMC Title 15.

d. *Solar Easements.* A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the County Recorder.

I. **Wind Energy System.**

1. **Definition.** A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics mounted to a tower or building that has a rated capacity of not more than 10 kilowatts (kW) for residential use or 100 kilowatts (kW) for nonresidential uses and that is intended to primarily reduce on-site consumption of utility power.

2. **Standards.**

- a. *RS-1 and RS-2 Districts.* A Conditional Use Permit is required for all freestanding wind energy systems. Wind energy systems mounted to buildings require a Design Review and may be approved administratively.
- b. *RS-4, RS-6, RS-8, RM-10, RM-16, RH-24, and RMH Districts.* Freestanding wind energy systems are not permitted. All wind energy systems must be mounted to buildings. A Design Review is required and may be approved administratively.
- c. *All Other Districts.* All wind energy systems shall require a design review and may be approved administratively.
- d. *Location.* In single-family residential areas, wind energy systems shall not be located in the front yard between the principal structure and the public right-of-way. In all other districts, wind energy systems shall be integrated into the design and architecture of accessory structures or used as decorative elements if placed between a principal structure and the public right-of-way.
- e. *Setback.*
 - i. No part of the wind energy system structure, including guy wire anchors, shall be located within five feet of adjacent property lines or ten feet of other structures. Electrical equipment may encroach into these setbacks if it complies with HMC Section 19.10.7, Screening Requirements.
 - ii. When adjacent to residentially zoned property, all parts of a freestanding wind energy system shall be setback a minimum distance equal to its total extended height.

- f. *Height.*
 - i. For residential properties subject to subsection (1) above, freestanding tower height shall be determined through the Conditional Use Permit.
 - ii. The maximum height of wind energy systems attached to buildings located within all residential zoning districts shall not exceed ten feet above the maximum height permitted within the zoning district, unless additional height is approved through a conditional use permit.
 - iii. For nonresidential, mixed use, and residential districts not listed in subsection (1) above, the maximum allowable height shall be 70 feet. Requests for additional height shall be subject to approval of a conditional use permit.
- g. *Noise.* Noise produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall comply with HMC Section 19.10.13.F, Noise. The maximum noise level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.
- h. *Appearance, Color, and Finish.*
 - i. When mounted to a building, wind energy systems shall be painted or finished to blend or complement the color of the building.
 - ii. When mounted to a tower outside of residentially zoned districts, wind energy systems shall either be designed to blend or complement the color of the site on which it is located or be used as a decorative feature.
 - iii. The appearance of all wind energy systems shall be subject to approval by the Director.
- i. *Clearance.* The blade tip or vane of any wind energy system shall have a minimum ground clearance of 20 feet as measured at the lowest point of the arc of the blades. No blades shall extend over parking areas, driveways, or sidewalks.
- j. *Signage.* All signs on a wind generator, tower, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.
- k. *Lighting.* No illumination of the turbine or tower shall be allowed unless required by the FAA.
- l. *Access.* Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed and must be integrated into the design of the tower structure.
- m. *Compliance with FAA Regulations.* Wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.
- n. *Utility Notification.* No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- o. **Abandonment.** If a wind turbine is inoperable for six consecutive months the owner shall, within six months of receiving a notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. If the owner(s) fails to remove the wind turbine from the tower, the Director may pursue legal action to have the wind energy system removed at the owner’s expense.

19.9.4 Residential Uses

- 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.
- 3. **Conversion to Nonresidential Use.** Conversion of any existing use from residential to nonresidential use shall require issuance of a conditional use permit.

- 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 workspace 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. Modifications to this standard may be processed through the 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 HMC Chapter 19.3, Mixed-Use Zoning Districts and HMC Chapter 19.11, Landscaping 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) Aside from the uses listed in Subsection (n) below, other uses may be approved through the CUP process if determined by the Director to be compatible with the overall characteristics of the development or neighborhood.
- (n) The following uses are prohibited within a live/work unit:
 - (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 conditions imposed to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.
 - (p) All of the standards of this Section and all other conditions imposed on the CUP shall be set forth in CC&Rs, which shall be recorded with respect to the property.

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, through a CUP and 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 a lot or within a structure, each of which includes a separate household. A duplex located on one lot of record would qualify as multifamily.
- 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 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 building or 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 provisions of federal law, including without limitation 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 building or structure on the same lot as a principal dwelling, either detached from the principal dwelling or attached to the principal dwelling with no internal access and with an independent means of access, and intended for occupancy as separate living quarters.
- b. ***Standards.***
 - i. **Required Setbacks.**
 - (a) Accessory dwelling units shall meet the following setback requirements:
 - (1) Front setbacks must meet those of the principal dwelling unit.

- (2) The required side and rear setback for detached accessory dwelling units 14 feet or less in height is five (5) feet. 15 feet or greater accessory dwelling units must be set back from the rear property line at least the height of the accessory dwelling unit.
 - (3) Detached accessory dwelling unit structures must be separated from all other buildings by at least six feet.
 - (4) Existing accessory structures that are being converted to accessory dwelling units at the time of adoption of this Code shall be considered to meet the setback standards assuming the structure does not encroach further into the required setback.
- 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.
- vi. Any manufactured structure that is used as an Accessory Dwelling Unit and constructed to ANSI 119.5 standards shall also comply with International Residential Code (IRC) as it applies, as adopted by the City of Henderson.

7. ***Accessory Structure.***

- a. *Definition.* A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building. Examples include garages, sheds, or accessory office spaces.
- b. *Standards in all Zoning Districts.*
 - i. Placement. Accessory structures shall be located a minimum of six feet from the principal building.
 - ii. Required Setbacks. Accessory structures shall meet the setback requirements for the principal building except that the required side and rear setback for structures 14 feet or less in height is five feet.
 - iii. Maximum Size. Accessory structures shall be no more than 10 percent of the lot or 50 percent of the floor area of the principal structure, whichever is greater.
 - iv. Function. Accessory structures shall not include more than three plumbing fixtures unless more are approved during the design review process. Any three of the following fixtures may be used in combination provided any single

fixture is not duplicated: sink, toilet, shower, bathtub, or combination bathtub/shower fixture, or washing machine connections.

- c. **Industrial Districts.** Accessory structures in industrial districts must meet these additional standards:
 - i. The character, style, textures, and materials shall be consistent with the adjacent buildings to which it serves and shall be applied to all sides of these structures when visible to the public.
 - ii. Pedestrian access or walkways shall be provided to all freestanding structures.
 - iii. Security buildings and check point kiosks, if needed, shall be designed with the project and incorporated into the circulation plans. Adequate vehicle stacking and a rejection turnaround shall be provided.

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. NRS 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 NRS 449.017 in which fewer than 11 unrelated persons with disabilities reside, a “halfway house for recovering alcohol and drug abusers” as defined by NRS 449.008, in which fewer than 11 persons reside, and a “home for individual residential care”, as defined by NRS 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 NRS 449. The term also does not include an “institution”, “hospital”, “boarding house”, “lodging house”, “fraternity”, “sorority”, “dormitory”, or any other group living arrangement for unrelated individuals who are not disabled. This dwelling unit shall be considered a residential use of property for purposes of all zoning and building codes.

- 2. **Standards.** Community residences shall comply with the general standards for all residential uses in HMC Subsection 19.9.4.A and the following.
 - 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 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 to increase the number of residents to 11 or more persons 18 or older, not including house parents, guardians, and other persons related to the house parents or guardians, of a Community Residence.
 - (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 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. A parolee;
 - b. 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 213.632.
 - c. 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
 - d. A person who, within the past two years, has been released from prison by expiration of his term of sentence or for any other reason.
2. **Standards.** Facilities for transitional living for released offenders shall comply with the general standards for all residential uses in HMC Subsection 19.9.4.A 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 community residence, 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 that may or may not include 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 HMC Subsection 19.9.4.A and the following.
 - a. **Minimum Lot Area for Owned Lots.** Each dwelling unit located on a lot that is owned 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.** A permanent residential dwelling unit or any portion of such dwelling unit, rented for occupancy for a period of less than 30 consecutive calendar days, or, in February, less than 28 consecutive calendar days, counting portions of a day as full days, regardless of whether a permanent resident is also present during the period of occupancy.
2. **Standards.** The following short-term vacation rental standards are not waivable. Failure to comply with any of these standards shall constitute a violation of this Section.
 - a. Unless mapped for individual ownership, dwelling units in a multi-unit dwelling structure shall not be utilized as short-term vacation rentals.
 - b. Any property owner wishing to operate a short-term vacation rental must register its property with the City. Effective July 1, 2022, all registrants must obtain a State of Nevada business license.
 - c. Only the property owner of record, as listed in the Clark County Assessor's records at the time of registration may register a short-term vacation rental. The property owner must be at least 18 years of age. The property owner may also be referred to in this Section as the "applicant" or "registrant". If the property owner of record is an entity, an officer or manager of the entity may register the short-term vacation rental upon providing proof of entity action authorizing the registration. If the property owner of record is a trust, only a trustee designated by the trust may register the short-term vacation rental.
 - d. Effective July 1, 2022, each property owner is limited to a maximum of 5 registrations per State of Nevada business license held by that owner.
 - e. Mobile homes, RVs, travel trailers, tents, vehicles, and similar non-permanent structures may not serve as short-term vacation rentals.
 - f. Short-term vacation rentals are considered "transient lodging" for the purposes of HMC Chapter 4.48 and are required to meet the definition of transient lodging set forth in that Section.
 - g. A short-term vacation rental shall not generate more traffic or different types of vehicle traffic than a home occupied by a permanent resident.

- h. A short-term vacation rental may only be used for overnight accommodations and shall not be used for weddings, bachelor or bachelorette parties, or any gathering meeting the definition of “party” as established in Chapter 19.37, Definitions of Terms.
- i. A short-term vacation rental shall, at all times, comply with all residential property maintenance requirements of HMC Title 15.
- j. Complaints regarding short-term vacation rentals shall be directed to the City complaint hotline (see Subsection 19.35.5.B, Enforcement Process for Short-Term Vacation Rentals). The registered local contact shall be available by phone 24 hours a day to answer calls from the complaint hotline, as well as complaints from any other sources. Upon receipt of a notification or attempted notification regarding a complaint, the registered local contact shall contact the occupant of the short-term vacation rental and resolve the issue giving rise to the complaint. The registered local contact shall have 30 minutes from the time of notification or attempted notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within 30 minutes shall constitute a violation of this code unless the registered local contact can demonstrate that they contacted the occupant of the short-term vacation rental within 30 minutes and attempted to resolve the problem but were unable to do so. In that event, the registered local contact shall visit the short-term vacation rental property to address the problem and resolve the complaint within 30 minutes thereafter.

The registered local contact shall provide a detailed report of all complaints received and their resolution or attempted resolution to the Community Development and Services Department within 48 hours of notification or attempted notification of a complaint. If the registered local contact disputes the complaint, the report shall include any photographs, videos, audio recordings, and/or other documentation refuting the existence of the problem underlying the complaint.

Failure to resolve any complaint or to report complaints to the Community Development and Services Department as required in this Section 19.9.4.F.2.j, shall be a violation of this Section and shall be cause for the issuance of administrative fines and potential termination of registration pursuant to Subsection 19.35.5.B, Enforcement Process for Short-Term Vacation Rentals. Violations of this Section 19.9.4.F.2.j shall be considered separate and independent from any violation of any other provision of this Section. The City may take enforcement action against a short-term vacation rental for any violation of this Section 19.9.4.F.2.j separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

- k. A change in record ownership of a registered short-term vacation rental for any reason shall terminate the current registration upon recordation of the transfer of property or sale of the property and requires a new registration in the name of the new property owner of record, in compliance with this ordinance. Any transfer of ownership interests in an entity shall constitute a change in ownership of a registered short-term vacation rental which shall terminate the current registration upon such transfer of ownership interests, and requires a new registration disclosing all ownership interests in the entity. This Subsection (k) does not apply to non-conforming short-term vacation rentals as defined in HMC Subsection 19.9.4.F.2.p, whose registration shall automatically terminate as set forth in HMC Subsection 19.9.4.F.2.p.iii.
- l. Occupancy of a short-term vacation rental is limited to four occupants for the first bedroom and two occupants per each additional bedroom as listed with the Clark County Assessor’s Office as of the date of registration, up to a maximum of 16 persons.

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

A short-term vacation rental shall not be located within 2,500 feet of a resort hotel, as defined by NRS 463.01865. The distance shall be measured as a radius from the property line of the proposed short-term vacation rental to the nearest property line of the resort hotel. This distance requirement is not waivable.
- p. The following shall be permitted to operate as a legal non-conforming short-term vacation rental, subject to the requirements of subsections i through iii of HMC Subsection 19.9.4.F.2.p.: a registered short-term vacation rental that does not meet the required distance separation from another registered short-term vacation rental as required in HMC Subsection 19.9.4.F.2.o, as of November 17, 2020; a registered short-term vacation rental that does not meet the required distance separation of 2,500 feet from a resort hotel as required in HMC Subsection 19.9.4.F.2.o, as of February 18, 2022; a registered short-term vacation rental in a multi-unit dwelling structure with more than 10 percent of units registered as short-term vacation rentals as of February 18, 2022; and a registered short-term vacation rental located in a common interest community as of February 18, 2022.
 - i. A legal non-conforming short-term vacation rental registration shall automatically terminate if not renewed by the annual registration date; and thereafter, the property may not be registered and may not operate as a short-term vacation rental.
 - ii. A legal non-conforming short-term vacation rental registration that is terminated for any other reason pursuant to the provisions of this Section or HMC Subsection 19.35.5.B, Enforcement Process for Short-Term Vacation Rentals, may not be registered thereafter and may not operate as a short-term vacation rental.

- iii. A legal non-conforming short-term vacation rental registration shall automatically terminate with a change in record ownership of the short-term vacation rental for any reason, upon recordation of the transfer or sale of the property. For a legal non-conforming short-term vacation rental owned by an entity, any transfer of ownership interests in the entity shall constitute a change in the ownership of the legal non-conforming short-term vacation rental which shall terminate the current registration upon such transfer of ownership interest.
- q. Only one short-term vacation rental booking is allowed per registered property at any given time.
- r. Exterior signs identifying the property as a short-term vacation rental are prohibited.
- s. Short-term vacation rentals shall be booked for a minimum of two nights per booking, unless the rental is owner-occupied, in which case the minimum shall be one night.
- t. Pools and/or spas shall not be used between the hours of 10:00 p.m. and 10:00 a.m. on weekends, and 10:00 p.m. and 7:00 a.m. on weekdays. Signage shall be posted at these outdoor areas to notify occupants of the prohibited hours.
- u. Each short-term vacation rental shall install a front, street-facing security camera that shall be installed and remain functioning as long as the property is registered as a short-term vacation rental. Security footage shall be maintained for a minimum of two months. This requirement does not apply to multi-unit dwelling structures that have monitored common entrances to the building.
- v. Each short-term vacation rental shall comply with HMC Section 5.17 (Solid Waste Management). The property owner shall include usable trash and recycling containers, the trash services collection schedule and instructions for proper trash disposal in the rental rules provided to each occupant.
- w. Each short-term vacation rental shall comply with noise standards listed below:
 - i. HMC Section 8.84 (Noise Control); and
 - ii. quiet hours which shall be between the hours of 10:00 p.m. and 10:00 a.m. on weekends, and 10:00 p.m. and 7:00 a.m. on weekdays.
 - (a) No outdoor amplified sounds shall occur during quiet hours.
 - (b) Yelling, shouting, hooting, whistling, or singing during quiet hours so as to unreasonably annoy or disturb the quiet, comfort, or repose of any persons of ordinary sensibilities is prohibited.
 - (c) During non-quiet hours, outdoor amplified sound shall comply with noise regulations.
 - (d) All rear and side yard outdoor lighting shall be turned off during quiet hours, with the exception of motion-sensitive outdoor security lighting and landscape lighting.
- x. All short-term vacation rentals shall maintain a noise management plan.

The noise management plan must include:

 - i. Continuous operation of noise monitoring device(s) while the registered property is rented;

- ii. Conspicuous posting on-site of established quiet hours and penalties for violations of the HMC;
- iii. A commitment by the short-term vacation rental owner and registered local contact, upon notification that the short-term vacation rental occupants and/or their guests have created unreasonable noise or disturbances or violated provisions of the Henderson Municipal Code or state law pertaining to noise or disorderly conduct, that the short-term vacation rental owner or its registered local contact will promptly act within 30 minutes to prevent continuation and/or a recurrence of such conduct by those short-term vacation rental occupants and/or their guests.
- iv. Noise level data records maintained by the property owner for a minimum of two months.
- v. Noise monitoring equipment located both indoors and outdoors, in common areas; and
- vi. Additional noise monitoring equipment shall be installed at the pool/spa areas for non-multi-unit dwelling structures with a pool or spa.
- y. The City shall have the right to request an inspection of all short-term vacation rentals. Upon consent of the property owner, an inspection shall be conducted at a reasonable time, and shall be limited in scope to inspection of areas needed to determine compliance with the registration requirements of this Code. If the property owner agrees to the inspection, the property owner or the registered local contact must meet the City inspector at the property for any requested inspection.
- z. All hosting platforms shall:
 - i. Require that all users listing rentals on the platform include the City issued registration number in any listing for a short-term vacation rental on the platform and, effective July 1, 2022, the Secretary of State business license number;
 - ii. Ensure the deactivation of all short-term vacation rental listings that lack a registration number by doing one of the following:
 - (a) Check the listed registration number against the City's registry described in HMC Subsection 19.9.4.F.2, above, and deactivate any short-term vacation rental listing that lacks a registration number that appears on the City's registry; or
 - (b) Deactivate any short-term vacation rental listing that lacks a registration number within seven days of receiving notice from the City.
 - iii. Submit a quarterly report to the City and to the State of Nevada Department of Taxation stating, for each quarter:
 - (a) The number of bookings, listings, owners and lessees for the City;
 - (b) The average number of bookings per listing for the City;
 - (c) Current year-to-date booking value for the City;

- (d) Current year-to-date revenue collected from all rentals through the platform in the City, disaggregated by owners or lessee; and
- (e) The average length of a rental in the City.

In addition to hosting platforms, all accommodations facilitators that collect such information must submit the above-required quarterly report. To the extent the accommodations facilitator does not collect any of the above information, the City may require the owner to submit a quarterly report of such information.

- iv. Effective July 1, 2022, impose, collect and remit all required taxes on the gross receipts from the rental of transient lodging advertised on its platform in compliance with the requirements applicable to operators set forth in HMC Chapter 4.48.
- v. Upon request of the Director, an accommodations facilitator shall report all current listings of a residential unit or a room within a residential unit that the accommodations facilitator brokers, coordinates, makes available or otherwise arranges for the short-term vacation rental.
- aa. A short-term vacation rental shall not be located within a common-interest community unless the governing documents of the community expressly authorize the rental of a residential unit or a room within a residential unit for the purposes of transient lodging.

3. ***Registration Requirement.*** Operation of a short-term vacation rental requires a registration with the City that must be renewed on an annual basis as set forth in this Section. Registration requires the following:

- a. Advance payment of the then-current annual registration fee for the year following the date of registration, as set forth in HMC Section 18.01.030.
- b. Effective July 1, 2022, a current State of Nevada business license in the name of the property owner.
- c. Evidence that the registrant is at least 18 years of age; or, if the property owner of record is an entity, proof of entity action authorizing the registration by a manager or officer of the entity; or, if the property owner of record is a trust, a copy of the certification of trust authorizing the registration by a trustee designated by the trust.
- d. A listing of the number of bedrooms that are available for rent at the property as listed with the Clark County Assessor's Office.
- e. A certificate of insurance indicating that the property is used as a short-term vacation rental and carries general liability coverage with policy limits of not less than \$1 million per occurrence. An excess liability policy or umbrella liability policy may be used in addition to the general liability policy to meet the minimum liability requirements. Insurance shall be maintained for the duration of the short-term vacation rental registration. Proof of insurance shall be required at the time of the application submittal.
- f. A notarized statement from the registrant:
 - i. Certifying that operation of the short-term vacation rental, if located within a common-interest community, is expressly authorized by the current governing documents of the community, with such governing documents expressly

- authorizing operation of a short-term vacation rental provided as a required attachment to the notarized statement, and with the express authorization language clearly identified by the applicant.
- ii. Acknowledging that registration with the City will not supersede any such governing documents;
 - iii. Acknowledging that the registrant has reviewed this Section and understands its requirements and consents to abide by the same;
 - iv. Certifying that the property is fully compliant with all applicable laws and has installed or included the following: a smoke alarm in each bedroom, a carbon monoxide detector on each floor, an illuminated street address number visible from the street, one fire extinguisher per floor, and an evacuation map;
 - v. Acknowledging that the registrant is responsible for each and every occupant's compliance with the HMC while they are on the property;
 - vi. Certifying that there are no delinquent room tax liabilities or liens on or associated with the property;
 - vii. Certifying that a noise management plan as required in Subsection 19.9.4.F.2.x will be in place prior to first rental after registration approval;
 - viii. Acknowledging that the property does not receive affordable housing incentives and is not located in any subsidized housing, public housing, or other unit subject to income restrictions.
 - ix. Certifying that the registrant intends to operate a short-term vacation rental on the property and is not obtaining a registration for any other purpose; and
 - x. Acknowledging that the registrant agrees to indemnify and defend the City against any third-party claims based upon the veracity of the foregoing statements.
- g. Designation by the owner of a registered local contact who shall be available 24 hours per day, seven days per week, to respond to and resolve any complaint as set forth in HMC Subsection 19.9.4.F.2.j, above. The property owner shall provide the registered local contact person's proof of residency within Clark County, at the time of registration. A property owner may contract with a private security company that is licensed to conduct business within the City to act as the registered local contact. The licensed security company shall provide monitoring and compliance enforcement 24 hours per day, seven days per week, and is required to provide services complying with the requirements of HMC Subsection 19.9.4.F.2.j, above.
 - h. Dissemination of registered local contact information to all properties located within a 200-foot radius of the short-term vacation rental parcel within 10 days of registration approval. Information shall be mailed to each address and to each owner of property as listed with the Clark County Assessor's Office and to any homeowner's association that is registered with the City within the 200-foot radius. Proof of mailing and a copy of the information sent to residents and homeowners associations shall be provided to Community Development and Services Department within 14 days of mailing.
 - i. If the registered local contact is changed, the owner shall provide its updated registration information to the Community Development and Services Department and

to all properties within a 200-foot radius of the short-term vacation rental parcel within five business days of the change, in accordance with Subsection 19.9.4.F.3.h, above.

- j. The registrant shall provide a copy of the City’s “Good Neighbor” pamphlet and its registered local contact to the future occupant at the time of reservation booking and upon checking into the short-term vacation rental. A copy of the pamphlet shall be on site at all times.
- k. The registrant shall conduct a self-inspection utilizing the City short-term vacation rental checklist and shall provide the City a signed copy of the completed checklist as part of the registration process. The City reserves the right to inspect the property during the registration period for the limited purpose of determining that all registration requirements for the property have been met and the property meets all building code requirements prior to beginning operation as a short-term vacation rental. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection. The registrant is responsible for payment of any costs related to the inspection.
- l. The property owner and registered local contact shall complete and provide proof of completion of a short-term vacation rental certification program for short-term rental best practices provided by a college or university or offered through a professional organization prior to issuance of registration. The course must be approved by Community Development and Services. If the registered local contact changes after issuance of registration, the new registered local contact must complete and submit proof of completion of the program within 10 days of the change. Completion of a certification program is not required for a property manager licensed under NRS 645. A copy of such state license shall be provided at the time of registration or the certification program shall be required.
- m. Once the applicant has submitted a complete application and all required materials and registration fees, the Community Development and Services Department will review the application and materials and determine whether the short-term vacation rental property meets all of the City’s requirements for registration. If it is determined that the application and other submittals meets all of the requirements, the Director or designee will issue the registration.
- n. Registrations must be renewed by the annual registration renewal date. Renewal will require submittal of the following:
 - i. The annual registration fee;
 - ii. Current State of Nevada business license (effective July 1, 2022);
 - iii. An updated general liability insurance certificate;
 - iv. Updated property owner contact information;
 - v. Updated registered local contact information, including proof of residency within Clark County; if new registered local contact, must also include required short-term vacation rental certification certificate or a copy of a valid state license for a local contract that is NRS645 licensed property manager;
 - vi. A completed self-inspection checklist;
 - vii. Any additional information staff may request upon review of the renewal application; and

- viii. An inspection of the property by the City, if needed during the renewal period for the limited purpose of determining that all registration and/or renewal requirements for the property have been met and the short-term vacation rental meets all building code requirements. Any inspection shall occur upon prior notification to the property owner, at a reasonable time, and with the property owner or its designated agent present for the inspection.

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

- o. Registrants shall conform with all registration requirements contained in this Section at all times. Should a registrant fail to conform or become unable to conform with these requirements, the registrant shall immediately discontinue the use of the property as a short-term vacation rental. Failure to immediately discontinue the use of the property as a short-term vacation rental may result in the immediate suspension of the registration upon written notice from the City.
- p. If the property is served by a private on-site septic system, the property owner shall provide a letter of approval from the Southern Nevada Health District that indicates the maximum number of people the septic system is able to handle.

4. ***Transient Lodging Tax.***

- a. The registrant shall comply with HMC Chapter 4.48 – Transient Lodging and Gaming Taxes regulations. Effective July 1, 2022, accommodations facilitators shall comply with HMC Chapter 4.48 – Transient Lodging and Gaming Taxes regulations – with regard to its requirements for imposing, collecting and remitting taxes on the gross receipts from the rental of the transient lodging. For a short-term vacation rental with no accommodations facilitator, the registrant shall continue to be responsible for compliance with HMC Chapter 4.48.
- b. The registrant shall maintain rental records in accordance with HMC Chapter 4.48.070.
- c. The registrant shall submit to the City a transient lodging tax return on a monthly basis, whether or not the short-term vacation rental generated revenue for the designated month. Effective July 1, 2022, accommodations facilitators shall file with the City a transient lodging tax return on a monthly basis for all short-term vacation rentals in the City for which they facilitated a rental during that month. If the accommodations facilitator is a hosting platform, it shall submit a transient lodging tax return for all short-term vacation rentals listed on the platform during that month, whether or not the short-term vacation rental(s) generated revenue for the designated month. For short-term vacation rentals with no accommodations facilitator, the registrant shall remain responsible for submitting the transient lodging tax return.

- 5. ***Enforcement Process.*** Subsection 19.35.5.C, Enforcement Process for Short-Term Vacation Rentals, shall govern the enforcement of this Section. All violations of this Section are deemed a nuisance and are therefore subject to all enforcement actions and remedies available to the City for prevention and correction of nuisances.

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.

19.9.5 Public/Institutional Uses

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 internment 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. **Community Food Services.**

1. **Definition.** A religious, charitable or other nonprofit organization that collects, stores, distributes and/or serves food or edible commodities to low-to-moderate income individuals in need. Community Food Services includes Food Banks, Food Pantries, Congregate Meal Service. These are defined as:
 - a. **Food Bank.**
 - i. **Definition.** A facility operated by a religious, charitable or other nonprofit organization for the sourcing, collecting, sorting, cataloging, and warehousing of unprepared or prepared packaged and fresh food items to be distributed to the general public via off-site third-party entities such as food pantries.
 - b. **Food Pantry.**
 - i. **Definition.** A religious, charitable or other nonprofit organization or establishment which maintains a store of unprepared or prepared food, or other provisions for distribution at no cost, or very low cost, to people in need, i.e. low income, unemployed or homeless individuals or families, or those facing emergency or distress.
 - c. **Congregate Meal Service.**
 - i. **Definition.** A religious, charitable, or other nonprofit organization that maintains an established feeding operation to provide food including but not limited to hot meals or boxed meals to persons in need on a regular basis.
 - d. **Food Handler.**

- i. Definition. A Food Handler as defined in NRS 446.030 with the exception that, for the purposes of this Code, a Food Handler is further defined as a person who works/volunteers for a Community Food Services operation.
 - e. Mobile Food Pantry.
 - i. Definition. A religious, charitable or other nonprofit organization, or combination thereof that provides Food Pantry or Congregate Meal Service at temporary locations. A Design Review Application is required.
 - f. Food Establishment.
 - i. Definition. As defined in NRS 446.020 and regulated by the Southern Nevada Health District.
- 2. **Standards.** For sites that operate as a Food Bank, Food Pantry, or Congregate Meal Service, the standards below will apply, and a Design Review Application is required. These standards do not apply to Food Establishments.
 - a. Site Design.
 - i. Appropriate waiting areas shall be created to minimize the formation of lines for those awaiting service, to ensure no surrounding land use will be disrupted by the community food service operations.
 - ii. Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. Volunteers, Food Handlers, and patrons must utilize all on-site parking prior to utilizing street parking. Queueing of vehicles must occur on-site and adequate staff to direct traffic must be provided (if queueing occurs).
 - b. Waste Management.
 - i. Solid Waste must be disposed of and comply with HMC Title 5 and all dumpsters must be adequately screened in compliance with HMC Section 19.7.5.I.
 - ii. Food waste and other putrescible waste must be disposed of and comply with HMC Section 5.17.040.D and HMC Section 15.12.030.
 - iii. The stacking or storing of pallets is not permitted.
 - c. Accessory Buildings/Storage Buildings.
 - i. Any building constructed on the site must be reviewed through the appropriate development process. This includes obtaining all required building permits and approvals.
 - ii. The use of trailers, portable cold storage units, storage containers, and other similar means of storage is not permitted without a separate approval.
 - d. Operations.
 - i. Handwashing and Sanitation.
 - (a) Handwashing and/or sanitation stations facilities must be made available on the property for all staff members and clients.

- ii. Restrooms.
 - (a) Restroom facilities are required to be made available on the property for all staff members and program clients pursuant to the certificate of occupancy for the primary structure, except for Mobile Food Pantry operators.
- iii. Certification.
 - (a) At least one person onsite must have a Food Handler Certificate as issued by the Southern Nevada Health District.
- iv. Storage of Food.
 - (a) Time/temperature control for safety (TCS) food is food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. All food that requires TCS must comply with time and temperature information as contained in the current U.S. Food and Drug Administration Food Code.
 - (b) Transportation of TCS Foods – Foods must be kept at their designated safe hot or cold temperatures during transport as established in the current U.S. Food and Drug Administration Food Code.
 - (c) Re-freezing of previously frozen raw foods is unsafe and prohibited.
 - (d) Food storage areas must be kept in a clean and sanitary manner. The areas must be maintained free of rodents, insects, and standing/stagnated water.

E. 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 non-commercial art galleries.

F. 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 a CUP.

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).

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 childcare 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. Group childcare uses located within residential districts shall be located a minimum of 1,000 linear feet from any Day Care Center or other Group Child Care use also located within a residential district.
 - iii. Location. Group childcare 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.
 - iv. CN, CO, and CC Districts. Group childcare is 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.

G. **Detention Facility.**

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

H. **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.

I. **Government Office.**

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

J. **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.

K. **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.

L. **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 HMC Subsection 19.9.4.A 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 HMC Subsection 19.9.4.A 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 80 percent of the occupants must be 62 years of age or older and no resident may be less than 55 years of age.
 - (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.

M. **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 an Operation and Maintenance Closure Plan shall be required pursuant to HMC Section 19.10.13.K.

N. **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.

O. **Religious Assembly.**

1. **Definition.** Facilities for religious worship and incidental religious functions and education, but not including schools as defined by this Code.
2. **Standards.**
 - a. A standalone religious assembly is allowed by right. A design review application is required for religious assemblies proposing to locate in an existing building, tenant suite, or development.
 - b. **Day Cares and Schools.** Day cares and/or schools may be allowed as part of a religious assembly use through 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.
 - c. **Classes.** Only classes operating in conjunction with the religious assembly use may be permitted as an accessory use.

P. **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 a programmable outdoor recreation area per HMC Section 19.10.10, Open Space. Athletic fields, vegetated roof-top play areas, school gardens, and spaces featuring vertical gardens can be considered. If space is not available on-site, a 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.
3. ***Design Standards.*** The Henderson Strong Comprehensive Plan calls for siting and designing schools in a manner that positively influences students' learning environment. The Plan prioritizes locations and designs that allow a maximum number of students to walk or bike to school; safe and efficient multimodal access, parking, and circulation; separation from noise and environmental pollution; integration with neighborhood parks and community services; and sufficient space for outdoor recreation. The following criteria are intended to address those goals, and failure to meet any one requirement shall result in a CUP being required in any district for which the school is otherwise permitted pursuant to Table 19.9.1-1, Land Use Regulations.
- a. Building design shall comply with standards established in Section 19.10.2.C, Nonresidential Design Standards, except as otherwise provided in this Subsection.
 - b. The maximum total length of any façade shall be 200 feet. Multistory structures are recommended. Size and scale should be appropriate for the surrounding neighborhood, including a student capacity that would not be expected to generate automobile traffic impacts beyond what could be effectively mitigated per the approved Traffic Impact Study.
 - c. At least 150 square feet of programmable outdoor recreation area for each student shall be located on school site or on an adjacent park which students may access pursuant to an existing shared use agreement. Vegetated rooftop play areas, school gardens, and spaces featuring vertical gardens can be considered.
 - d. Landscaping, landscaping with a berm, a low screen wall with landscaping, vertical gardens, hedges, or other similar feature(s) approved by the Director shall serve to buffer the school site from adjacent roadways.
 - e. A landscaped buffer of at least 10 feet shall serve to buffer the school site from commercial use(s).
 - f. The site must have pedestrian access on at least three sides, or at least two if one is not feasible due to existing structures, vehicular access on at least two sides, and separate drop-off areas for buses, vehicles, and active modes of transportation such that vehicle traffic does not interfere with foot or bike traffic.
 - g. Dedicated lanes for school-side private vehicle drop-off and pick-up shall be on site.
 - h. On-site pickup and drop-off facilities, timing, queuing, and related programming may be subject to conditions to ensure compatibility with surrounding uses, efficient vehicular travel surrounding the site, and pedestrian safety and circulation.
 - i. Required parking stalls may not interfere with queuing for pick-up/drop-off and vice-versa. A school site with a parking area of four or less parking stalls in depth between the building and the right-of-way, whether the parking is oriented parallel or perpendicular to the main entrance of the building, must provide at least one continuous pedestrian walkway from the right-of-way to the building entrance walkway or sidewalk adjacent to the building. This walkway shall be separated from all vehicular movement except where drive aisle crossings are necessary.
 - j. Design of this landscaped pedestrian walkway shall be 11 feet in width and must include a 5-foot sidewalk and an adjacent 6-foot-wide landscape strip. The landscape strip must include a minimum of one large shade tree installed at 24-inch box size every 20 linear feet. Pavement markings and other traffic control measures shall be

placed throughout the school site and parking lots to guide pedestrians and bicyclists and minimize vehicular conflicts.

- k. The pedestrian circulation routes must be shown on the site plan submitted for a Design Review. On-site pedestrian paths and bicycle lanes shall provide direct access to off-site pedestrian and bicycle connections and shall have amenities to improve the bicycle, pedestrian, and bus arrival experience. Amenities could include student art and murals, bike storage, shade, benches, lighting, and drinking fountains along pathways and waiting areas to create comfort and a sense of place.
- l. Locations for future portable classroom structures must be shown on the original site design plan.

Q. Telecommunication Facilities.

- 1. This Section provides a process to authorize the installation or modification of wireless facilities on public and private property within the City of Henderson and associated design and location standards.

2. Definitions.

- a. *Antenna.* As defined in 47 C.F.R. Section 1.6002(c) and (d), or any successor provisions as may be amended, which defines a “antenna facility” as an antenna and associated antenna equipment, which may include switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- b. *Base station.* As defined in 47 C.F.R. Section 1.6100(b)(1), or any successor provision, as any structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.
- c. *Collocation.* The mounting or installation of transmission equipment on a legally existing base station or tower as defined:
 - i. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(2), as may be amended, which defines that term as ‘the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.’ As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and
 - ii. For all other purposes, the same as defined in 47 C.F.R. Section 1.6002(g)(1) and (2), as may be amended, which defines the term collocation as (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- d. *Eligible Facilities Request (EFR).* As defined in 47 C.F.R. Section 1.6100(b)(3), or any successor provision, as a request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

- e. *Personal wireless services.* As defined in 47 U.S.C. Section 332(c)(7)(C)(i), commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- f. *Personal wireless services facility.* A wireless facility that is used for the provision of personal wireless services.
- g. *Reviewing Authority.* The Director, or the Planning Commission, as applicable, or their designee.
- h. *Small cell facility.* As defined in 47 C.F.R. 1.6002(l), or any successor provision for “small wireless facility,” as a personal wireless services facility that meets the following conditions:
 - i. The wireless facility:
 - (a) Is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or
 - (b) Is mounted on a structure no more than 10 percent taller than other adjacent structures, or
 - (c) Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
 - ii. Each antenna associated with the deployment, excluding associated antenna equipment (as defined under “antenna” in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
 - iii. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
 - iv. The wireless facility does not require antenna structure registration under 47 C.F.R. Part 17;
 - v. The wireless facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and
 - vi. The wireless facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).
- i. *Support structure.* As defined in 47 C.F.R. 1.6002(m), or any successor provision, as a pole, tower, base station, or other building whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless services (whether on its own or comingled with other types of services).
- j. *Stealth Wireless Communications Facility (or Stealth Facility).* A facility that is designed to look like something other than a wireless facility. Examples include certain types of trees such as a eucalyptus tree or palm tree, bell tower or other type of tower that does not look like a wireless facility tower.
- k. *Temporary Facility.* A wireless facility intended or used to provide wireless services on a temporary or emergency basis, such as a large scale special event in which more

users than usual gather in a single location or following a duly proclaimed local or state emergency requiring additional service capabilities. Temporary facilities include without limitation, cells on wheels (COW), sites on wheels (SOW), cells on light trucks (COLTs), or other similar wireless facilities:

- i. That will be in place for no more than 30 days, unless a Conditional Use Permit is approved (or such other longer time as the City may allow in light of the event or emergency);
- ii. For which required notice is provided to the FAA;
- iii. That do not require marking or lighting under FAA regulations;
- iv. That will be less than 50 feet in height; and
- v. That will either involve no excavation or involve excavation only as required to safely anchor the wireless facility, where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two feet.

Temporary facilities in place 30 days or less may require a temporary use permit in compliance with Section 19.9.9.

- l. *Tower (or Wireless Communication Tower).* A structure that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.
- m. *Wireless Communications Facilities (or Wireless Facility).* All transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

- 3. ***Scope.*** This HMC Title 19 applies to all wireless facilities, including temporary facilities, other than those listed as exempt in HMC Section 19.9.5.R.4 below or those subject to HMC Title 17. As such, unless exempted, every person who desires to place a wireless facility on public or private property in the City of Henderson or modify an existing wireless facility on public or private property must obtain an administrative approval or Conditional Use Permit (CUP), as applicable, authorizing the placement or modification in accordance with this Title. Projects qualifying as small cell facilities, eligible facilities requests, non-small cell collocations, or stealth facilities in non-residential districts are subject to administrative review and approval. All other projects are subject to the CUP process as determined at the time of Concept Plan Review. See Table 19.18.2-1, Review Procedures and Decision-Making Responsibilities for administrative DRA and approval.

4. ***Exemptions.***

- a. Licensed amateur (ham) radio and citizen band operations.
- b. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
- c. Emergency services radio.
- d. Radio and television mobile broadcast facilities.

- e. Antennas and equipment cabinets or rooms completely located inside of permitted buildings whose primary use is not a telecommunications or wireless facility.
- f. A single ground- or building-mounted antenna not exceeding the maximum height permitted by this Ordinance, including any mast, subject to the following restrictions:
 - i. *Satellite Dish 39.37 inches (one meter) or Less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it does not exceed the height of the ridgeline of the primary structure on the same parcel.
 - ii. *Non-Satellite Dish 39.37 inches (one meter) or Less.* A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.
 - iii. *Antennas.* An antenna that is mounted on any existing building or other structure that is less than 25 feet in height. The antenna shall be for the sole use of a person occupying the same parcel on which the antenna is located to receive television broadcast signals. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the Nevada Public Utilities Commission. The owner or operator of such facility shall provide the Director with a copy of a current FCC or Nevada Public Utilities Commission permit or a copy of applicable FCC regulations prior to its installation.
- g. “Like kind” equipment replacements.
 - i. The existing equipment that is being replaced must have been approved by the City, and the equipment must be in compliance with all permit conditions.
 - ii. Qualifying “like kind” equipment replacements must be substantially similar in appearance and dimensions (unless the replacement equipment will be placed entirely within an existing cabinet, vault, or shroud) and the same or less in weight and radiofrequency (RF) emissions to the then-existing and approved equipment.
 - iii. This exemption does not apply to generators.

- h. The following temporary facilities that will be placed for less than seven consecutive days, provided any necessary building permit or other approval is obtained and the landowner's written consent is provided to the City:
 - i. Facilities installed and operated for large-scale events; and
 - ii. Facilities needed for coverage during the temporary relocation of an existing and already-approved facility.
- 5. ***Pre-Existing Facilities.*** Any wireless facility already permitted and existing on public and private property as of the date of this Title's adoption shall remain subject to the standards and conditions of the HMC in effect prior to the coming into force of this Title.
- 6. ***Administration.***
 - a. As part of the administration of this Title, the Director may:
 - i. Interpret the provisions of this Title;
 - ii. Develop and implement standards governing the placement and modification of wireless facilities consistent with the requirements of this Title, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 - iii. Develop and implement acceptable designs and development standards for wireless facilities on public and private land in the City;
 - iv. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this Title;
 - v. Determine the amount of and collect, as a condition of the completeness of any application, any fee established by this Title or Title 18;
 - vi. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
 - vii. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit or other approval should be issued;
 - viii. Require, as part of, and as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
 - ix. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application not required to obtain CUP approval; and
 - x. Take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

7. ***Appeals.***

- a. A decision on a wireless facility application may be appealed as provided in HMC Section 19.19.6.
- b. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. The Director shall have the discretion to expedite appeals of any administrative decisions directly to the Council when necessary to comply with time periods required by law.

8. ***Applications.***

- a. *Pre-application meeting.* Prior to filing an application for a wireless facility, an applicant shall submit a Concept Plan Review, after which time a pre-application meeting may be scheduled with City staff to discuss the proposed facility, the requirements of this Title, and any potential impacts of the proposed facility. The Concept Plan Review submittal must specify whether the applicant believes state or federal law requires action on the proposed facility within a specified time period and provide a citation to the specific state or federal law upon which the applicant is relying.
- b. *Content of application.* Following the pre-application meeting, or after receipt of comments from City staff regarding the Concept Plan Review, an applicant proposing any facility other than one designated as an EFR shall submit a formal application on the form approved by the Director, which may be updated from time-to-time, but in any event shall require the submission of all required fee(s), documents, information, and any other materials necessary to allow the Director to make required findings and ensure that the proposed facility will comply with applicable federal and state law, the City Code, and will not endanger the public health, safety, or welfare. If no form has been approved, applications must contain all information necessary to show that the applicant is entitled to the permit or approval requested, including, but not limited to the information listed below. The application must also specify whether the applicant believes state or federal law requires action on the application within a specified time period and provide a citation to the specific state or federal law upon which the applicant is relying.
 - i. A description of the proposed facility(ies), including whether the project is a new facility, a collocated facility, or a modification to an existing facility;
 - ii. The identity (name, address, email, and phone number) of the following: applicant, owner of wireless facility (if different), property owner (if different), owner of support structure (if different), and contact (representative);
 - iii. Site plans;
 - iv. Current color photographs of the site and its surroundings;
 - v. Engineering Documentation. A Nevada licensed professional RF (Radio Frequency) engineer shall provide engineering documentation for any information of an engineering nature that the applicant submits as part of the application for a wireless communication facility, whether civil, mechanical, or electrical;
 - vi. GPS Coordinates. Applicants shall provide global positioning system (GPS) coordinates for the proposed wireless communication facility;

- vii. Inventory of Existing Sites. Each application for a wireless communication facility shall include an inventory of existing and approved wireless communication facilities that are within one mile of the proposed location, including specific information about the service area, location, height, and design of each facility. The Director may share such information with other applicants or other organizations seeking to locate a wireless communication facility within the City provided, however, that the Director is not by sharing such information in any way representing or warranting that such sites are available or suitable; and
- viii. All required application fees.
- ix. And other pertinent information as requested by staff.

9. ***Findings; Exceptions; Decisions; Consultants.***

a. ***Findings Required for Approval.***

- i. Except for eligible facilities requests, the decision or appeals body, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:

(a) **General Findings.**

- (1) The proposed use conforms with the purposes of this Title and any standards applicable to the proposed facility;
- (2) 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;
- (3) The proposed site results in fewer or less severe impacts than any feasible alternative site.

(b) **Additional Findings for Facilities Not on Existing Wireless Towers or Base Stations.** To approve a wireless communication facility that is not proposed to be placed on an existing wireless tower or base station, the decision-making authority shall find that placement on an existing wireless tower or base station is not available because based on technical or legal considerations, it:

- (1) Is not permitted by the property-owner;
- (2) Would cause interference with the existing facility; or
- (3) Would require existing facilities at the same location to go off-line for a significant period of time.

(c) **Additional Findings for a New Wireless Communication Tower.** The decision body may not approve the installation of a new wireless communication tower or support structure unless the applicant demonstrates to the reasonable satisfaction of the decision body or staff that no existing tower or structure can accommodate the applicant's proposed wireless facility. An applicant shall submit information requested by the decision body or staff related to the

availability of suitable existing towers or other structures, which may consist of the following:

- (1) No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements.
 - (2) Existing towers or structures do not have sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause or be affected by electromagnetic interference with antenna on the existing towers or structures.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable
- (d) Additional Findings for a Waiver. The decision body may modify requirements of this Title under the circumstances listed below. An applicant may only request a modification when submitting the application.
- (1) If the proposed structure would result in a less intrusive installation than established in this Title; and/or
 - (2) Upon finding that strict compliance would be infeasible and/or result in noncompliance with applicable federal or State Law.
- ii. For eligible facilities requests, the decision body or appeals body, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
- (a) That the application qualifies as an eligible facilities request; and
 - (b) That the proposed facility will comply with all generally applicable laws.
- iii. Findings for Temporary Facilities. In addition to the required findings in HMC Section 19.9.5.R.k, to approve an application for a temporary facility not exempt under HMC Section 19.9.5.R.k, the decision body must also find the following:

- (a) The facility qualifies as a temporary facility;
 - (b) There is an adequate need for the facility (e.g., wireless facility relocation or large-scale event);
 - (c) The facility is not detrimental to the public health, safety, and welfare;
 - (d) The facility complies with all applicable design and location standards; and
 - (e) The facility meets all applicable requirements of state and federal law.
 - b. **Decisions.** Decisions on an application by the decision or appeals body shall be in writing and include the reasons for the decision. If an application is denied, either by the Director, the Planning Commission or the City Council, a written explanation shall be provided to the applicant as well as the governing body, including the following:
 - 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 list of the documents relied upon for the decision.

This written explanation shall be included in or provided contemporaneously with the notice of denial provided to the applicant.
 - c. **Independent Consultants.** The reviewing authority or appeals body, as the case may be, is authorized, in its discretion, to select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any application under this Title. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an application, including, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.
10. **Conditions of Approval.**
- a. All wireless facilities shall be subject to and shall comply with standard conditions of approval set forth by the City in a separate document made available to the public on the City's website. These standard conditions are in addition to any other project-specific conditions imposed by the decision body.
 - b. **Removal of Abandoned Wireless Communication Facilities.** Any wireless communication facility or unused fixtures/array arms that are 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 for City to have the facility removed at the owner's expense.
11. **Design and Location Standards.** Wireless communication facilities shall be located, developed, and operated in compliance with the following design standards and with applicable standards of the zoning district in which they are located. See Table 19.9.1-2 for location restrictions.
- a. **Stealth Facilities.** Whenever feasible, wireless communication facilities shall be stealth and architecturally integrated into the surrounding environment so that their purpose as a communications facility, tower, and/or base station is not readily apparent.
 - i. At a wireless communications facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures,

screening, and landscaping that will blend them into the natural setting and surrounding buildings, as well as any existing support structures, so as to reduce visual impacts to the maximum extent feasible.

- ii. 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 not feasible for the project shall be submitted with the application.
- b. *Traffic Safety.* All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
- c. *Parking.* In no event shall the installation of facilities replace or interfere with parking spaces in such a way as to reduce the total number of parking spaces below the number that is required for the existing approved site.
- d. *Noise.* A wireless facility, including ancillary power generation equipment, shall comply with the noise standards in the City Code and shall include noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as necessary or appropriate to ensure compliance with noise limits.
- e. *Security.* Each wireless facility and wireless communications collocation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The decision body may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of its location or accessibility, a facility has the potential to become an attractive nuisance.
- f. *Modification.* At the time of modification of a wireless facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise, and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
- g. *Building and Equipment Cabinets.* For Building-mounted facilities, equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. An eight-foot-high solid decorative masonry wall with a solid-metal gate shall surround all equipment not located within an existing building. The decorative wall and gate shall be designed to match and/or complement existing development on the site. Walls shall be high enough to screen ice bridge equipment. If located on vacant land, the applicant must build the enclosure out of decorative materials. All walls shall consist of decorative materials including such as split-faced block, slump-stone, or stucco. Chain-link fencing is prohibited.
- h. *Landscaping.* Landscaping shall be provided for and maintained by the wireless communication facility owner, to screen any ground structures or equipment visible from a public right-of-way. Landscaping shall meet current buffer requirements as required HMC Chapter 19.11; and/or as determined at the time of application review.
- i. *Lighting.* Artificial lighting of a wireless communication 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. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding uses and must comply with HMC Section 19.10.8, Lighting and Glare Standards.

- j. *Signs.* No signs shall be allowed on a wireless communication facility unless required by the FAA, FCC, or other applicable authority.
- k. *HENNET.* Wireless communications facilities shall not have any adverse impact or be constructed within the line of sight of any existing or future proposed HENNET facilities operated by the City's Department of Utility Services.
- l. *Airport Environs Overlay.* All wireless communications facilities, including antennas, shall meet the height restrictions set forth in HMC Section 19.8.2, Airport Environs Overlay, as well as any FAA or other applicable authority requirements.
- m. *Measurement of Spacing and Separation Requirements.* Wireless facility setbacks and separation distances shall be calculated and applied to all facilities irrespective of municipal and county jurisdictional boundaries.
- n. *Height.* Wireless communications facilities shall not exceed 10 feet above the base zoning district maximum height unless a greater height is allowed through CUP or modification approval, another portion of these design standards, or the exceptions provision of this HMC Title 19.
- o. *Lot Size.* For the purpose of determining whether the installation of a wireless communications facility complies with district-specific standards, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the wireless communications facility may be located on leased parcels within such lot.
- p. *Buildings and Support Equipment.* Buildings and support equipment associated with wireless communication facilities shall comply with the requirements in this Title.
- q. *Location Standards.*
 - i. Setbacks shall be based on the applicable zoning district.
 - ii. For wireless communication towers:
 - (a) Separation shall be measured from the base of the wireless communication tower to the lot line of the adjoining land use.
 - (b) Shall be separated from all adjoining residential land uses at a ratio of two to one (height to separation). For nonresidential land uses, shall be separated from non-residential land use at a ratio of one to one (height separation).
 - (c) The facility shall not be located on a lot occupied by a single-family dwelling.
 - (d) There is no required separation between tower structures, as long as tower structures are compatible in their stealth designs.
 - (e) The facility shall not be located on a vacant lot.
 - (f) The facility shall only be allowed on a common lot as an accessory use.
 - (g) The wireless communication facilities shall not reduce the required amount of common open space for a development except when radio equipment does not require construction of an enclosure (i.e. when

stored in an underground vault), in a building, or other acceptable alternative that conceals radio equipment.

- (h) The Director may reduce the standard separation requirements if the goals of this Code would be better served.

r. *Facilities Mounted to Wireless Communications Towers.*

- i. When determined to be feasible and consistent with the purposes and requirements of this Title, the Director shall require the applicant to make unused space available for future co-location of other wireless communication facilities, including space for different operators providing similar, competing services.

s. *Building-Mounted Facilities.* Building-mounted wireless facilities should be one of the following, in this order of preference; provided that in historic districts, a historic structure may not be modified as provided in subsection (b):

- i. The wireless facilities must be stealth. For example, they may be completely concealed and architecturally integrated into the facade or rooftop-mounted base stations with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); and if that is not possible then
- ii. Wireless facilities may be completely concealed on new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks), so that the support structure remains consistent in size and design with the areas within which it is located.

t. *Façade-Mounted Equipment.* Façade-mounted equipment should be integrated architecturally into the structure to which the equipment will be attached. Where integration is not possible, a façade-mounted wireless facility should be behind screen walls as flush to the facade as practicable, designed to conceal the wireless facility so that it is stealth and appears to be part of the façade design. Pop-out screen boxes do not meet this standard, unless such design is architecturally consistent with the original support structure.

u. *Wireless communication facilities located on the site of an electrical substation.*

- i. 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.
- ii. Reconstruction of an existing "full-array" tower to slim-line stealth monopole or alternative tower structure construction.

v. *Flagpoles.* A stealth facility 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.

- w. *Wireless communications facilities on City property.*
 - i. On non-park City property, the facility shall be designed as a stealth, co-locatable structure or slim-line stealth structure not to exceed the height of the existing structures on the site or a height of 70 feet, whichever is taller, or the facility shall consist of stealth antennas attached to existing or replaced sports-field lights or net posts but shall not increase the height of the line or post structure. On these sites, City Property Management staff shall review the proposed facility and provide written comments to the Director.
 - ii. On Parks and Recreation sites, the Parks and Recreation Director shall review the proposed facility and provide written comments to the Director.
 - iii. The facility shall be located on the property in an area predetermined by the City.
 - iv. The facility shall meet the separation requirements of this Title.
 - v. All associated support equipment not located within an existing building or support structure shall be located within an underground vault or within an enclosed, stealth 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.
- x. *Light Pole-Mounted Facilities.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.

12. ***Nonconforming Uses.***

- a. *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.
- b. *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 NRS 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 requirements of NRS 244.421 et seq.
 - 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 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.

19.9.6 Commercial Uses

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 19.9.6-1, Required Buffer Zone Separation, Alcohol and Liquor Uses, except as exempted in HMC Subsection A.1.c or waived as provided in HMC Subsection A.1.d, below.
 - i. Distance Separation Analysis Application Required. A distance separation analysis application, as established in HMC Chapter 19.31, Distance Separation Analyses, is required for review and determination of site suitability.

TABLE 19.9.6-1, REQUIRED BUFFER ZONE SEPARATION, ALCOHOL AND LIQUOR USES

Proposed Use Type	Required Buffer Zone Separation (ft)			
	School Public or Private	Religious Assembly	Day Care Center	Sexually Oriented Business
Category I Uses (tavern, club or lodge, liquor store,)	1,000	500	200	1,000
Category II Uses (restaurant with bar; wine lounge; brew pub/estate distillery/craft distillery; and spirit-based products on or off-sale; full on-sale; full off-sale; artisan's beer and wine room establishments; convenience store)	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 of 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.
 - ii. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing. A change of performers shall not constitute a change in the type of live entertainment.
- b. ***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 and 2:00 am.
- d. ***Type of Entertainment.*** A CUP for live entertainment shall apply only to the types 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. ***Animal 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 HMC Title 7, 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. Any exterior activity areas (e.g. walking areas, pens, dog runs) shall be located a minimum of 50 feet from any residential use, may only be used during daytime 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. A CUP is required.
- 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 HMC Title 7, 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. Any exterior activity areas (e.g. walking areas, pens, dog runs) shall be located a minimum of 50 feet from any residential use, may only be used during daytime and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval. 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 HMC Title 7, 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. Any exterior activity areas (e.g. walking areas, pens, dog runs) shall be located a minimum of 50 feet from any residential use, may only be used during daytime and shall be screened from view from adjacent streets and adjoining properties, unless modified through CUP approval. 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, including artificial turf, shrubs, and a minimum of one tree. Installation of new natural turf is prohibited.

C. **Artists' Studio.**

- 1. ***Definition.*** Workspace for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.

D. **Bail-Bond Broker.**

- 1. ***Definition.*** Person or establishment offering bonds in lieu of confinement by judicial courts.

E. **Banquet/Convention Facility.**

- 1. ***Definition.*** An establishment that is rented by individuals or groups to accommodate private functions such as conventions, conferences, business meetings, 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, Recreation, and Entertainment.***

- 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 arcades, bowling alleys, escape rooms, axe throwing facilities, billiard parlors, card rooms, ice- and roller-skating rinks, indoor courts, and other similar activities.

3. ***Outdoor Sports, 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 HMC Title 4 requirements.
 - (b) Golf courses and driving ranges shall comply with applicable turf restrictions in HMC Titles 14 and 19.
 - (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 the Operation and Maintenance Closure Plan found in HMC Section 19.10.13.K shall apply.
 - iii. Stable or Riding Academy. In addition to the standards in HMC Subsection 19.9.3.B, Accessory 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 the proximity to existing residential dwellings and compatibility with the surrounding neighborhood in their decision on a CUP application.
 - iv. Water Parks.

- (a) Water parks are prohibited.

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/vape shop are established or approved, and from any parcel with a residential land use category as designated by the Henderson Strong 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 of 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, day care center, 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 modified 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.
 - c. Any proposed alcohol or liquor use shall comply with HMC Section 19.9.6.A.1, Distance Limitations for Alcohol and Liquor Uses, and all HMC Title 4 requirements for the subject use.
- 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 Chapter 4.36. This use classification may include a Brew Pub/Craft Distillery/Estate Distillery if it also complies with all standards below.
- 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; HMC 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 modified 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 Director.
 - v. Any use that includes Restricted Gaming shall comply with the standards in HMC Subsection 19.9.6.0.2, Restricted Gaming, and HMC Chapter 4.32 up to a maximum of five gaming machines.
 - 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 an accessory to a cultural, educational, medical, civic institution, or recreational facility and limited to a maximum of 5,000 gross square feet of floor area.
- c. Any proposed alcohol or liquor use shall comply with HMC Section 19.9.6.A.1, Distance Limitations for Alcohol and Liquor Uses, and all HMC Title 4 requirements for the subject use.

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. This use classification may include a Brew Pub/Craft Distillery/Estate Distillery if it also complies with all standards below.
- b. ***Standards.*** Taverns shall comply with; HMC 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. **Distance Separation Requirements.**
 - (a) Unless exempted in HMC Subsection 19.9.6.H.3.b.iv, below, a tavern use shall not be located within 2,000 feet as measured by the shortest line between the space to be occupied by the proposed tavern and the occupied space of another existing or approved tavern use, regardless of the jurisdiction where located.
 - (b) The approving body shall consider proximity 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 HMC Subsection 19.9.6.O.2, Restricted Gaming, and HMC Chapter 4.32 and up to a maximum of 15 gaming machines.
- c. Any proposed alcohol or liquor use shall comply with HMC Section 19.9.6.A.1, Distance Limitations for Alcohol and Liquor Uses, and all HMC Title 4 requirements for the subject use.

4. ***Wine Lounge.***

- a. ***Definition.*** A place where the primary business is the service or sale of wine, and similar beverages (but not including alcoholic liquors) at retail either by the glass or the bottle to the general public for consumption in a lounge setting. The sale of beer is permitted as an accessory use.

- b. *Standards.* Any proposed alcohol or liquor use shall comply with HMC Section 19.9.6.A.1, Distance Limitations for Alcohol and Liquor Uses, and all HMC Title 4 requirements for the subject use.

- i. All Establishments.

- (a) The hours of operation shall be limited to between 10:00 a.m. and 2:00 a.m.
- (b) Slot machines (gaming devices) are prohibited.
- (c) Service of wine (or beer as an accessory) may be from a bar and or service/bar.
- (d) Incidental food service is permitted.
- (e) Self-service wine dispensers are permitted.
- (f) Any use that includes outdoor seating and outdoor food service areas shall comply with HMC Section 19.9.3.G, Outdoor Seating/Outdoor Food Service.
- (g) Any use that includes live entertainment shall comply with HMC Section 19.9.6.A.2, Live Entertainment.

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

- (a) Total square footage to be used for serving 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.
- (b) Standards in HMC Section 19.9.6.H.4.b. above shall be met, with the exception of (b), hours of operation.
- (c) The accessory use shall be limited to the hours of operation of the primary business.

5. ***Brew Pub/Craft Distillery/Estate Distillery.***

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

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

- b. *Standards*

- i. All establishments must comply with requirements as set forth by NRS 597.
- ii. Craft and Estate Distilleries may only sell spirits manufactured on-site.

- iii. Proposed uses shall comply with HMC Section 19.9.6.A.1, Distance Limitations for Alcohol and Liquor Uses, and all HMC Section 4.36 requirements for the subject use.
- iv. Hours of operation are limited to between 9:00 a.m. and 2:00 a.m.
- v. Incidental food service is permitted.
- vi. Gaming is prohibited.
- vii. Any uses proposing restricted gaming must comply with all use classification standards for either Restaurant with Bar or Tavern, and be able to be permitted as such.
- viii. Any use that includes live entertainment shall comply with HMC Section 19.9.6.A.2, Live Entertainment.
- ix. Any use that includes outdoor seating and outdoor food service areas shall comply with HMC Section 19.9.3.G., Outdoor Seating/Outdoor Food Service.
- x. CT district
 - (a) Brew Pubs/Craft Distilleries/Estate Distilleries are only allowed as a part of a mixed-use project or resort hotel.

6. *Artisan's Beer and Wine Room Establishment*

- a. *Definition* A place where the primary business is the service of beer, wine, and/or cider only by an establishment holding a current brew pub or winery license issued by the State of Nevada Department of Taxation and an associated valid license from the jurisdiction in which the brew pub or winery is located.
- b. *Standards*
 - i. Seventy-five percent of the product offered at the establishment must be manufactured by the licensee.
 - ii. Any proposed alcohol use shall comply with HMC Section 19.9.6.A.1, Distance Limitations for Alcohol and Liquor Uses, and all HMC Section 4.36 requirements for the subject use.
 - iii. The hours of operation shall be limited to between 9:00 a.m. and 2:00 a.m.
 - iv. Gaming is prohibited.
 - v. Service of alcohol (beer, wine, or cider) may be from a bar or service bar.
 - vi. Incidental food service is permitted.
 - vii. Any use that includes outdoor seating and outdoor food service areas shall comply with HMC Section 19.9.3.G., Outdoor Seating/Outdoor Food Service.
 - viii. Any use that includes live entertainment shall comply with HMC Section 19.9.6.A.2, Live Entertainment.

I. *Emergency Healthcare Facility.*

- 1. *Definition.* A facility maintained and operated to provide immediate and short-term emergency medical care. Overnight patient care is not provided.

2. **Standards.** CN and CT Districts: Emergency health care uses shall be limited in size to 7,500 square feet or less and shall demonstrate that emergency response vehicles and visitor activities will not interfere with existing or anticipated adjacent uses.

J. **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. If permitted in a residential zoning district, a market may not be located on a lot with a dwelling unit.
- b. **Management Plan.** A management plan shall be prepared and provided to the Director for all Farmer's Markets. 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.
- c. **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 through a Design Review Application. 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.
- d. **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.

K. **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. **Specified Financial Institution.**

- 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 as defined by NRS 604A.

- 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 as defined by NRS 604A.
- 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 as defined by NRS 604A.
- iv. “High Interest Loan” is a business that charges a 40% or higher interest rate for a loan, including all fees associated with the transaction as defined by NRS 604A.

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, = vehicle title loan, and/or high interest loan facilities shall be located a minimum of 1,000 linear feet from any other check-cashing, deferred-deposit service, vehicle title loan, and/or high interest loan use.
 - (b) Check-Cashing, deferred-deposit service, vehicle title loan, and/or high interest 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, vehicle title loan, and/or high interest 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 HMC Section 19.13.6, 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.

L. Fleet-Based Services.

- 1. **Definition.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleet 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. *CC and CO Districts.* The City may apply limits to maximum vehicle speeds, use of sirens, number of vehicles or other potential health and safety impacts through the Conditional Use Process.
 - c. All outdoor storage shall be screened from public view. Screening shall consist of an opaque wall or fence with a minimum height of at least eight feet, constructed in accordance with the standards in Section 19.10.6, Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.

M. 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.

N. 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. *MC, CC, and CH Districts.* Limited to mortuaries. Cremation is not allowed.
- c. *PS District.* These uses may be allowed only as an accessory to a cemetery.

O. **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 HMC Subsection 19.9.6.BB.5, 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 463. Restricted gaming facilities must comply with HMC Chapter 4.32 and all requirements of NRS 463.161.
- 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.
 - (a) Restaurant with bar use shall be subject to the standards in HMC Subsection 19.9.6.H.2, Restaurant with Bar, with the addition that all slot machines must be embedded in the bar top.
 - (b) All 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.
 - (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 8:00 a.m. and 12:00 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 Director.

P. 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.**
 - a. The sale of alcohol shall only be allowed as part of an approved restaurant with bar, tavern, artisan beer and wine room, or wine lounge.
 - b. The sale or use of cannabis is prohibited.

Q. 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.

R. 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.”

S. Maintenance and Repair Service.

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

T. Marijuana Establishment.

TABLE 19.9.6-2, MARIJUANA ESTABLISHMENTS, MINIMUM SEPARATION					
Marijuana Establishment	Protected Use (1) (2)				Dispensary
	School (3)	Community Facility	Public Park or Playground (4)	Non-restricted Gaming Establishment	
Cultivation Facility	1,000 feet	300 feet	1,000 feet	1,500 feet	
Dispensary	1,000 feet	300 feet	1,000 feet	1,500 feet	5,280 feet (5)
Infusion or Manufacturing	1,000 feet	300 feet	1,000 feet	1,500 feet	
Independent Testing Laboratory	1,000 feet	300 feet	1,000 feet	1,500 feet	

Notes:

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 and 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.

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 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 HMC Title 4, 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 19.9.6-2, Marijuana Establishments, Minimum Separation.
- 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, is prohibited.
- v. CUP Approval.
 - (a) Approval of a CUP by Council 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 a 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 HMC Title 4, 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 19.9.6-2, Marijuana Establishments, Minimum Separation.
- 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 is prohibited.
- v. CUP Approval.
 - (a) Approval of a CUP by Council 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 environment 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 a 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. Minimum Square Footage. Marijuana infusion or manufacturing facilities shall be a minimum of 1,400 gross square feet in size.
- viii. 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 HMC Title 4, 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 19.9.6-2, Marijuana Establishments, Minimum Separation.

- 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 is prohibited.
- v. CUP Approval.
 - (a) Approval of a CUP by Council 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 pursuant to NRS 435A.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 HMC Title 4, 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 19.9.6-2, Marijuana Establishments, Minimum Separation.
 - 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 is prohibited.
 - v. CUP Approval.
 - (a) Approval of a CUP by Council 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) Pick-Up Window. The use of a pick-up window is subject to CUP approval and the following:
 - (1) No orders shall be placed at the pick-up window. Order box is not permitted.
 - (2) No advertisement of product may be visible from the pick-up window.
 - (3) Shall provide a queuing lane outside of required parking, drive aisles and any required fire lane.
 - (4) Shall provide a minimum of three vehicle queuing spaces, measured from pick-up window.
 - (5) Design of the pick-up window (including the drive lanes and queuing spaces) shall demonstrate integration with the site; compatibility with surrounding uses; screening; architectural compatibility with the principal structure; efficient vehicular travel; and the pedestrian environment of the overall development.
 - (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.
 - (h) Signs. Signs shall meet the following regulations:
 - (1) Shall be limited to wall signs only.
 - (2) Maximum sign area shall be 25 square feet.
 - (3) Wall signs shall be constructed only of pan channel letters (no cabinet or can signs).
 - (4) Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - (5) No animation or electronic message unit signs are permitted.

- (6) Color and design, including lettering shall complement the architecture of the building.
 - (7) Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
 - (8) Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
- 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.
 - 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 HMC Title 4, 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 19.9.6-2, Marijuana Establishments, Minimum Separation.
 - 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 is prohibited.
 - v. CUP Approval.

- (a) Approval of a CUP by Council 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) Pick-Up Window. The use of a pick-up window is subject to CUP approval and the following:
 - (1) No orders shall be placed at the pick-up window. Order box is not permitted.
 - (2) No advertisement of product may be visible from the pick-up window.
 - (3) Shall provide a queuing lane outside of required parking, drive aisles and any required fire lane.
 - (4) Shall provide a minimum of three vehicle queuing spaces, measured from pick-up window.
 - (5) Design of the pick-up window (including the drive lanes and queuing spaces) shall demonstrate integration with the site; compatibility with surrounding uses; screening; architectural compatibility with the principal structure; efficient vehicular travel; and the pedestrian environment of the overall development.
 - (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.
 - (h) Signs. Signs shall meet the following regulations:
 - (1) Shall be limited to wall signs only.
 - (2) Maximum sign area shall be 25 square feet.
 - (3) Wall signs shall be constructed only of pan channel letters (no cabinet or can signs).

- (4) Wall signs shall be internally illuminated. No exposed lighting sources are permitted.
 - (5) No animation or electronic message unit signs are permitted.
 - (6) Color and design, including lettering shall complement the architecture of the building.
 - (7) Sign regulations or master sign criteria shall apply in addition to the above regulations. The most restrictive regulations apply.
 - (8) Signage shall be professional, and be consistent with the traditional style of signage for pharmacies and medical offices.
- 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.

U. **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 when abutting a residential land use unless waived through the 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.
 - (a) Facilities must include a security plan detailing how the site will be monitored 24 hours a day. The security plan must include specific details on monitoring and communication procedures to receive and address concerns from adjacent residents and property owners.
 - (b) Mini-storage facility with a caretaker's quarters 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 Director. Recreation equipment shall consist of picnic table and barbecue facilities or other comparable equipment for use by the resident manager.

- iii. 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 adjacent 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 HMC Section 19.10.2.C, Non-Residential Design Standards, shall control, with special attention given to adhering to any established architectural styles or themes within the center.
- iv. 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.
- v. All setbacks abutting residentially-zoned parcels shall be landscaped consistent with HMC Chapter 19.11, Landscaping Standards.
- vi. Rear and side building setbacks may be reduced to zero feet for single-story buildings when adjacent to commercial or industrial districts.
- vii. 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.
- viii. Perimeter walls shall comply with the fence/wall appearance standards in HMC Subsection 19.10.7, Screening Requirements.
- ix. 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. In addition to the 20 percent vehicle storage, two parking spaces within the front public parking area and two spaces behind the perimeter security/screen wall may be utilized for moving truck rental. Only parking in excess of the minimum requirement may be used for moving truck rental.

- x. 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 HMC Section 19.10.7, Screening Requirements. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
- xi. The storage of hazardous materials shall comply with the standards in HMC Subsection 19.10.13.D, Hazardous Materials.
- xii. 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. Modifications of the height limit may be considered subject to clear demonstration by the applicant of existing physical site features that reduce the visual impact from nearby residential areas, including railroads, drainage facilities, freeways, and topographical features such as slopes. The applicant may propose site designs that artificially create site conditions that reduce the visual impact of the height, including constructing berms or effectively tiering the height limit in proximity to residential areas.
 - (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; 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. A mini-storage facility shall be limited to a maximum height of eight feet if the roof is flat and 12 feet if the 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 set back a minimum of 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.

V. **Mobile Food Vendor.**

1. **Definition.** A self-contained truck and/or trailer that is readily movable without disassembling and is used to prepare, sell, and serve food and beverages for immediate consumption.
2. **Standards.**
 - a. **Location.**
 - i. Mobile vendors may operate only in mixed-use and nonresidential districts.
 - ii. Mobile vendor vehicles shall not be permitted as a permanent or proprietary location on any property within the City.
 - iii. Vehicles shall not be left unattended at any time, left onsite when inactive, or stored overnight.
 - iv. Mobile vendors are not permitted to operate for more than 30 minutes in the right-of-way at one location. A mobile food vendor truck and/or trailer must move at least 150 feet after 30 minutes.
 - v. Mobile vendors are not permitted to operate at any location where they will impede pedestrian access.
 - b. **Number.** There may be a maximum of two mobile vendors per day per commercial center/development or single parcel not part of a commercial center/development.
 - c. **Duration.** Mobile vendors may operate a maximum of four hours per day per commercial center/development or single parcel not exceeding 3 consecutive days (if permitted by the Southern Nevada Health District regulations). No commercial center/development or single parcel may have a mobile vendor onsite for more than 90 days total in any 12-month period.
 - i. Extension of the maximum duration may be considered through a Design Review.
 - d. No mobile food vendor shall sell, solicit business, or park a vehicle within 150 feet in any direction of the building and/or tenant space of any licensed restaurant during the hours the restaurant is open for business or other mobile vendor, unless the vendor is:

- i. Located on the same parcel and/or commercial subdivision as the licensed restaurant and is operating either on behalf of or with the written consent of the restaurant licensee; or
 - ii. Operating at a location where such vending has been specifically approved as part of a special event approved pursuant a Temporary Use Permit per HMC Chapter 19.32;
- e. A mobile food vendor must obtain prior written approval from the property owner and such approval shall not supersede operational requirements for a mobile vendor as stated in these standards. A copy of the property owner approval letter must be kept on site and provided upon request by City staff.
- f. No mobile vendor shall sell within the boundaries of any City park or designated recreation area without prior written approval from the City's Parks and Recreation Department.
- g. *Parking Requirements.*
 - i. Displaced Parking. Mobile vendors may displace up to five parking spaces for a maximum of four hours per day per commercial center/development or single parcel.
 - ii. Paving. Mobile vendor vehicles shall only be stopped or parked on surface paved with concrete or asphalt and be in compliance with applicable air quality standards as adopted by the Clark County Department of Environment and Sustainability.
 - iii. Obstructions. Mobile food vendors and customer service areas may not be located within designated fire lanes or at other locations in violation of parking prohibitions or traffic and parking regulations.
- h. *Nuisance.* No vendor shall ring bells, play chimes, play an amplified musical system, or make any other noise to attract attention to its business while operating within city limits.
 - i. Temporary signs are not permitted except for a menu board located on or adjacent to the vehicle/trailer.
 - ii. Placing chairs, tables, tents, or other similar items in the right-of-way or on private property is prohibited with the exception of a single table used for condiments or other similar items.
 - iii. The use of a generator must comply with all standards in this Code, HMC 8.84, and any other applicable NRS requirement.
- i. *Other Requirements.*
 - i. Mobile food vendors shall obtain an Operational Fire Permit as a Mobile Food Vendor and shall pass an annual fire inspection to operate within the City of Henderson.
 - ii. Mobile food vendors shall have the required City Business License.
 - iii. Mobile food vendors are required to comply with all necessary Southern Nevada Health District requirements.

- iv. Mobile food vendors shall operate from an approved commissary and must comply with all provisions of HMC Chapter 14.08 and 14.09.

W. **Office.**

1. ***Standards***

- a. ***IL District.*** Office uses are allowed up to 35,000 square feet in area or 50% of buildings 35,000 square feet in area or larger (but in no instance shall office uses occupy more than 100,000 square feet of floor area).
- b. ***IG District.*** Office uses must be less than 50 percent of the tenant space and are allowed as an accessory use only.

2. ***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 and when directly associated with a car dealership.

3. ***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; laser therapy for smoking cessation, arthritis, or similar treatments; 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 open only to students and faculty/staff and shall be open no more than two hours before and/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.

X. **Personal Service.**

1. ***General.***

- a. ***Definition.*** Provision of frequently needed services of a personal nature, such as: barber and beauty shops, computer services, tanning booths/salons, photographic or filming studios, dressmakers, tailors, shoe repair shops, home appliance repair, 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 as an 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 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. The establishment must comply with HMC 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 HMC 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 per HMC Chapter 19.35, 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 HMC 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 HMC Chapter 19.35, 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. Location Requirement. 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 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.
- 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, printing services, 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.*
 - i. 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.
 - ii. IG District. Retail sales may occupy up to 15 percent of the gross floor area without a CUP.

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.

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, building contractors' yards and contractor shops, 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 Store.***

- a. *Definition.* A small (no less than 1,200 and no more than 6,000 square feet) retail self-service store selling staple food items in these four categories (1) fruits and vegetables, (2) meat, poultry, or fish, (3) dairy products, and (4) breads or cereals; all intended for home preparation and consumption, a limited line of fast-moving food and nonfood items. Convenience stores usually have extended hours of operation and a high volume of customer traffic comprised of quick transactions of a small number of items. A convenience store may be accessory to a multifamily development. A retail business licensed as a drugstore or pharmacy shall not be considered to be a convenience store. Examples of regional convenience stores for comparison of operation are 7-Eleven, Circle K, Speedee Mart, and Green Valley Grocery.
- b. *Standards.*
 - i. Architectural Standards.
 - (a) Building Footprint. The building footprint for any individual nonresidential building shall not exceed six thousand square feet.
 - (b) Building Character. New buildings and renovations to existing buildings shall be harmonious with the character of nearby residential neighborhoods.
 - (c) Windows. Windows shall face all adjacent parking areas.
 - (d) Safety. Projects shall incorporate a variety of security measures that provide safety for employees and patrons of the convenience store.
 - ii. Performance Standards.
 - (a) Lighting. Lighting for the convenience store shall be appropriately shielded to not negatively impact the residential neighborhood. All exterior doors shall be provided with individual light sources.
 - (b) Noise. No amplified sound, including music, shall be audible to neighboring residents.
 - (c) Food Selection. Convenience stores must offer fresh produce, including fruits and vegetables; meat, poultry, or fish; dairy products; and breads, cereals and grains intended for home preparation and consumption.

5. ***Grocery Store.***

- a. *Definition.* Grocery stores, delicatessens, and similar commercial establishments of more than 6,000 square feet in size, where the majority of the floor area open to the public is occupied by food, beverage, and related products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation.
- b. *Standards.*
 - i. Performance Standards.
 - (a) Storage, display, and sale of food. All food, food products, meat, meat products, and meat food products shall be so stored and displayed as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in any room in which food, food products, meat, meat products or meat food products are prepared, stored or offered for sale. All reasonable means necessary for the elimination of flies, roaches, and rodents shall be used.

6. ***Liquor Store.***

- a. *Definition.* Retail establishments that sell alcoholic beverages for consumption off-premises as a primary use, which may or may not include ancillary tasting rooms or facilities.

7. ***Pawnshop***

- a. *Definition.* Establishments engaged in the buying or selling of new or secondhand merchandise, and offering loans secured by personal property. This category does not include used autos (auto pawn).
- b. *Standards.* Pawnshops shall be licensed in accordance with requirements in HMC Section 4.64.
- c. *CC and CH Districts.* Pawnshops shall obtain a conditional use permit subject to, but not limited to, the following requirements:
 - i. At least 50 percent of the public space in the store shall be dedicated to the display of items for sale.
 - ii. Sale or display of firearms is prohibited.
 - iii. A maximum of one pawnshop is allowed within any single commercial center, which must be located at the intersection of two or more major arterial streets.

8. ***Pawnshop with Vehicles***

- a. *Definition.* Businesses dealing exclusively in offering loans secured by automobiles, trucks, motorcycles, recreational vehicles, travel trailers, and similar vehicles, the storage of which requires one or more large parking areas.
- b. *Standards.* Pawnshops shall be licensed in accordance with requirements in HMC Section 4.64.

- i. 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.
- ii. A dealer may sell unredeemed pawned vehicles, but the sale of new vehicles is prohibited.
- iii. The applicant must demonstrate that the minimum amount of off-street parking required by the Code will be provided for all uses, and a plan must be submitted to show the location for stored pawned vehicles.

9. ***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.

10. ***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.

11. ***Equipment Rental.***

- 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.

12. ***Secondhand Goods.***

- a. ***Definition.*** The retail sale or rental of used appliances, furniture, clothing, video games, and other merchandise by secondhand dealers.
 - i. This use type does not include the following businesses, which should be considered part of the General designation in Subsection 1, above: 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, used-book stores, used-baseball-card stores, and stamp- and similar-collectibles stores.

b. *Standards.*

- i. No outdoor display, sales, drop-off, or storage of any merchandise shall be permitted unless otherwise permitted through CUP approval.

13. ***Smoke/Tobacco/Vape Shop.***

- a. *Definition.* Establishment in which sales of tobacco products, tobacco-related products, and other tobacco products such as cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, dipping tobacco, bidis, vapor products, 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, tobacco-related products, and other 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/vape shops is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of smoke/tobacco/vape 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/vape shop establishments shall be located a minimum of 2,000 feet from any other smoke/tobacco/vape shop establishment. This distance separation requirement is not waivable.
- ii. Smoke/tobacco/vape shop establishments shall be located a minimum of 1,000 feet from any parcel where a school, public park, or library are established or approved.
- iii. Smoke/tobacco/vape shop establishments shall be located a minimum of 500 feet from any parcel with a residential land use category as designated by the Comprehensive Plan.
- iv. The distance requirements for HMC Sections 19.9.6.Y.13.b.ii and 19.9.6.Y.13.b.iii 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 of 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.
- v. A smoke/tobacco/vape 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/vape shop establishments shall be exempt.

14. ***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, and outcall promoters. The terms within this definition are defined in HMC Title 4.

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 Henderson Strong 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 of 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 Section 4.110.010.
- c. *Other Requirements.*
 - i. The use shall conform to the requirements of HMC Section 4.110 for Sexually Oriented Businesses.
 - ii. 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.***

- 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 Director may limit the number of vehicles displayed on site conditions and the proposed use's ability to comply with the standards in this Code.

- ii. MR and MC Districts. Limited to the sale of motorcycles or similar small vehicles. All storage, display, and sales shall be contained within an enclosed building.
- iii. Commercial Districts. The following additional standards apply to vehicle sales establishments.
 - (a) New automobile/truck sales are prohibited in all commercial districts except the CA District.
 - (b) Sale of used vehicles is permitted by right in the CA district, 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.
 - (c) Recreational vehicle sales are permitted in CA, CC, CH and CT zoning districts.
- iv. 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, light trucks, and moving vans, including incidental storage and maintenance. Moving vans are defined as pick-up trucks, vans, and/or box trucks specifically held out to be for use by individuals who are relocating their homes and/or businesses.
- b. ***Standards.***
 - i. CT and CO Districts. Allowed only as an accessory use to a hotel, motel, or parking structure. MR, MC, CO, CT, and CA Districts. Moving Van/Truck Rental is prohibited.

- ii. Moving and/Truck Rental, Accessory Use. For moving van or truck rental as an accessory use, see HMC Subsection 19.9.3.E, Moving Van/Truck Rental.
- iii. The number of rental vehicles allowed shall be determined through the conditional use permit process.
- iv. Rental vehicles shall not occupy required customer parking spaces.

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 Director may limit the amount of equipment displayed 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 and sales 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. Drive-Through 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 or employee 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) 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.

- (c) The location of display racks and vending machines shall be specified on the site plan as part of the design review application.
- (d) Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential land use.
- (e) Openings to the wash bays shall be designed and/or buffered to minimize their visual prominence from the public right-of-way and adjoining properties. Where possible, openings to the wash bays shall not face public right-of-way.
- (f) Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential land use unless waived through a CUP approval.

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 a fully enclosed building.

6. ***Gas Station.***

- 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, which may or may not include a convenience store.
- 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.
 - v. Vacuuming equipment shall be set back a minimum of 50 feet from any adjacent residential land use unless waived through a CUP approval.

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 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 or modified through CUP approval.

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, tractors, construction equipment, recreational vehicles or boats, including the sale, installation, and servicing of 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.
 - (3) All repair activities must take place within an enclosed building.
 - 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, 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 sale 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, IL, and IG Districts.
 - (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 ten feet in height.

BB. **Visitor Accommodation.**

1. ***Hotel/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 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 incidental food services a restaurant and personal-service shops.

2. ***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.

3. ***Residential Hotel.***

- a. *Definition.* A hotel containing guest rooms oriented to allow independent housekeeping for occupancy by the week or by the month, or some portion thereof, with facilities for sleeping, bathing, and cooking.

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 on 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 directly 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.
 - (c) 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 that meet the building design requirements of HMC Section 19.10.2, 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 HMC Title 4.32 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.

19.9.7 Industrial Uses

- A. ***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 2017 U.S. NAICS Manual.
 - c. ***Primary Metal Manufacturing.*** All establishments falling within NAICS Major Group 331, Primary Metal Manufacturing, as identified in the 2017 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 2017 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 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, Solar Electric Power Generation, 221114, Wind Electric Power Generation, 221115, and Geothermal Electric Power Generation, 221116, as identified in the 2017 U.S. NAICS Manual, but not including cogeneration power plants.
 - f. ***Natural Gas Distribution.*** All establishments falling within NAICS Major Group 221210, Natural Gas Distribution, as identified in the 2017 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 2017 U.S. NAICS Manual.
- h. *Seafood Processing.* All establishments falling within NAICS Major Groups 311710, Seafood Cannery, and 311710, Fresh and Frozen Seafood Processing, as identified in the 2017 U.S. NAICS Manual.

B. Cogeneration Power Plant.

- 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 clothing and other fabric articles in bulk quantities. The term includes cleaning services for hospitals, restaurants, hotels, and similar clients, as well as rug -cleaning plants.

2. *Limited.*

- a. *Definition.* A business that launders clothing and other fabric articles in bulk quantities within a completely enclosed building.

D. Communication Facilities.

- 1. *Definition.* Broadcasting, recording, and other communication services accomplished through electronic mechanisms, but excluding Utilities, Major and Wireless Communication Facilities. This classification includes radio, television, or recording studios, telephone switching centers, and similar uses.

E. Data Center.

- 1. *Definition.* A facility used primarily for the storage, management, processing, and transmission of digital data, and which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.
- 2. *Standards.*
 - a. A Concept Plan Review is required.
 - b. See HMC Subsection 19.9.2.E Consumptive Water Use for regulations related to water consumption needs.
 - c. Applicants must specifically address the mitigation of any potential noise generated by cooling or other proposed equipment.
 - d. See HMC Subsection 19.10.13.D. Hazardous Materials for standards and regulations related to fuel storage for emergency/back-up generators.

F. 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).
2. **Standards.**
 - a. Conditions may be imposed to ensure that fugitive dust, mud on adjacent roads, and other external environmental impacts are controlled.
 - b. All finished concrete products shall be stored indoors or screened from view from neighboring properties and all public rights-of-way.

G. Construction Storage Yard.

1. **Definition.** A facility utilized for the storage of vehicles, equipment, and materials utilized in the construction industry.
2. **Standards.**
 - a. All outdoor storage shall be screened from public view. Screening shall consist of an opaque decorative wall or wrought-iron with metal backing fence with a minimum height of at least eight feet, constructed in accordance with the standards in HMC Section 19.10.6, Fences and Walls. Except for operational recreational and construction vehicles, stored materials and equipment shall not exceed the height of the screening fence or wall.
 - b. Chain-link fencing with a fabric screen is not permitted.
 - c. No pile of raw material stockpiled outdoors shall exceed eight feet in height, unless approved by a conditional use permit.

H. Food and Beverage Manufacturing.

1. **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 canning, processing, and packaging of food; coffee roasting; food production; oleomargarine production; brewing; and distillation of liquor and spirits. This use does not include slaughtering of animals or fowl.
 - b. **Standards.**
 - i. Bottling facilities are prohibited.
 - ii. A Concept Plan Review is required.
 - iii. See HMC Subsection 19.9.2.E Consumptive Water Use for regulations related to water consumption needs.
2. **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.

b. ***Standards.***

- i. Incidental direct sale to consumers shall be limited to only those goods produced onsite.
- ii. A Concept Plan Review is required.
- iii. See HMC Subsection 19.9.2.E Consumptive Water Use for regulations related to water consumption needs.

I. **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 clothing and fabric product manufacturing, handcraft industries (e.g., jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, taxidermists, leather working, and other small products not classified in other major groups), paper product manufacturing, and photo/film processing labs.

b. ***Standards.***

- i. Industrial uses storing hazardous materials shall comply with the standards in HMC Section 19.10.13.D, *Hazardous Materials Storage*.
- ii. All outside storage of materials, products, and equipment shall be screened from neighboring properties and internal and external streets by a minimum eight-foot-tall decorative block or comparable masonry wall. Alternative screening, if approved through an entitlement application, may consist of masonry wall with landscaping, a berm with landscaping, or other comparable screening method that achieves the same level of screening.

2. ***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.

b. ***Standards.***

i. All Districts

- (a) Industrial uses storing hazardous materials shall comply with the standards in HMC Section 19.10.13.D, *Hazardous Materials Storage*.
- (b) 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.

ii. IL and IP Districts

- (a) All warehousing and manufacturing processes shall be conducted within a completely enclosed building.

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 presses, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

b. ***Standards***

- i. Industrial uses storing hazardous materials shall comply with the standards in HMC Section 19.10.13.D, *Hazardous Materials Storage*. All limited industry uses shall comply with the following:
 - (a) Any single piece of mechanical equipment associated with the manufacturing process shall not exceed a maximum of two horsepower.
 - (b) Such uses are limited to a single kiln with a maximum power usage of eight kilowatts or less.
 - (c) Incidental direct sale to consumers shall be limited to only those goods produced onsite.

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 as determined by the Director due to the production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses can include biotechnology, films, and non-toxic computer component manufacturers.

b. ***Standards***

- i. Uses storing hazardous materials shall comply with the standards in HMC Section 19.10.13.D, *Hazardous Materials Storage*.

J. ***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.
- 2. ***Standards***

- i. 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.

K. Maintenance 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 or private entities.
- 2. **Standards.**
 - i. 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.

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 less than nine months from the date of grading permit issuance 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. Importing material is not permitted with this use.
 - b. **Standards.**
 - i. A mining plant seeking to operate beyond the allowable 9-month timeframe can be extended through the conditional use permit process. Any such approval must include a date for the mining use to cease operation.
 - ii. The minimum distance between a short-term mining and processing facility and any existing, occupied residential dwelling units shall be 500 feet. The only exceptions to this distance requirement shall be for temporary mining and processing as described in HMC Section 19.9.9.D.4 or by approval of a conditional use permit. Once an approved facility is in operation and a newly constructed or previously vacant dwelling unit becomes occupied within the 500 foot distance, the facility shall be allowed to continue operation until the end of the approved time limit; or, as stipulated by the conditions of the use

permit or as stipulated by the conditions on any extensions of time for the use permit. The 500 foot difference shall be measured from any point of the area occupied by the crushing/mining operation.

- iii. 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 with a design review or conditional use permit application to the Community Development and Services Department for processing.
- iv. Crushed material may be transported to properties with an approved development within a 1-mile radius. Extensions to the 1-mile distance may be approved as a modification to a Conditional Use Permit.

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, and may include office uses if clearly incidental to the warehousing use.
- 2. **Standards.**
 - a. **All Districts.**
 - i. All warehousing, wholesaling, and/or distribution must take place within an enclosed building.
 - b. Vehicles used for transporting, 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 or other comparable screening method that achieves the same level of screening.
 - c. **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.

19.9.8 Agricultural Uses

A. Agriculture.

- 1. **Animal Production.**
 - a. **Definition.** Commercial facilities engaged in the breeding, raising, feeding, and transshipping 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 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 hoop houses 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 manager 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. Drip irrigation is the only permitted form of irrigation.
 - ix. Signage. No more than one identification sign with a maximum area of nine square feet is permitted.
 - x. Fencing. The site may be enclosed only 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 HMC Subsection 19.9.3.D, Home Occupations.
 - i. Irrigation. Drip irrigation is the only permitted form of irrigation.
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.

19.9.9 Temporary Uses

- A. **Purpose.** This Section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.
- B. **Approval Procedure.** Any use listed in this Section may be permitted as a temporary use provided:
 - 1. If applicable, the proposed temporary use obtains a temporary use permit in compliance with the requirements in HMC Chapter 19.32, Temporary Use Permits; and
 - 2. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this subsection.
 - 3. Temporary uses permitted for a period exceeding 30 days or as otherwise limited for the specific use shall require approval of a CUP in compliance with HMC Chapter 19.22, Conditional Use Permits.

4. The Director may also require design review consistent with HMC Chapter 19.24, Design Review, to ensure compliance with the requirements of this subsection.

C. General Standards for All Temporary Uses and Structures. All temporary uses, structures, or events shall:

1. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
2. Be compatible with the principal uses taking place on the site;
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. ***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.
5. ***Street Fairs.***
- a. **Definition.** Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
6. ***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.

7. *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 dwelling units on any lot, and the maximum number of 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.

8. *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 HMC Section 15.60.040; 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.

9. *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.

10. ***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, rallies, 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.
 - i. Conditions may be added to ensure compatibility with surrounding properties.

11. ***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.

12. ***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.

13. ***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.
- 14. ***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.
- 15. ***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.

Part III – Citywide Standards (cont.)

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Chapter 19.10 General Site and Development Standards

Sections:

- 19.10.1 Purpose and Applicability
- 19.10.2 Development Standards
- 19.10.3 Circulation and Mobility
- 19.10.4 Density Bonus
- 19.10.5 Encroachments
- 19.10.6 Fences and Walls
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- 19.10.10 Open Space
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19.10.1 Purpose and Applicability

- A. **Purpose.** This Chapter establishes standards for developing property within the City to ensure the protection of the health, safety, welfare, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Henderson Strong Comprehensive Plan vision for a healthy and livable community, vibrant and resilient economy, and active and complete transportation.
- B. **Applicability.**
 - 1. **General.** Unless exempted below, or unless otherwise provided in this Chapter, this Chapter applies to the following types of development:
 - a. New construction;
 - b. Any project that involves demolition of an existing primary building and the construction of a new primary building; and
 - c. Any substantial renovation project.
 - 2. **Exemptions.** The following are exempt from this Chapter:
 - a. Projects for which a complete site plan application has been submitted or approved prior to the effective date of this Code, provided that a building permit is obtained within the time limit specified by the entitlement and that onsite construction commences consistent with the site plan within one year of permit issuance;
 - b. Primary structure single-family residential development on lots recorded prior to the effective date of this Code; and

- c. Development under an approved MP, PUD, or development agreement. If a new MP or PUD is established for a particular property following the effective date of this Code, this Chapter serves as the baseline for the creation of any development or design standards to be incorporated into the plan.

19.10.2 Development Standards

A. General Provisions.

1. **Intent.** This Section is intended to:
 - a. Emphasize the City's unique sense of community, reflecting its geography, history, architecture, and natural setting;
 - b. Maintain and enhance the quality of life for the City's citizens;
 - c. Protect and enhance property values;
 - d. Establish opportunities for increased density and intensity in well-designed buildings and sites;
 - e. Minimize negative impacts on the natural environment and support sustainable development patterns;
 - f. Provide a clear objective, and equitable set of parameters for developing land;
 - g. Provide opportunities for revitalization and enhancement of existing built environment;
 - h. Encourage a pedestrian- and bicyclist-friendly environment; and
 - i. Ensure greater public safety, convenience, and accessibility through physical design.
2. **Conflict.** These design standards are additive; more than one set of standards may apply to a particular development project. The more restrictive provision, as determined by the Director, shall control in cases where standards conflict.
3. **Review.** Review of proposed projects for compliance with the standards in this Section shall occur at the time of entitlement application.

B. Neighborhood Design Standards.

1. **Purpose.** The purpose of this Subsection is to create an open and inviting residential neighborhood environment with visual interest along the limits of the exterior streets. The following standards articulate expectations regarding the character of the built environment and are intended to promote design that will protect the sense of community, enhancing the attractiveness and quality of life in the City. This Subsection addresses basic principles of urban design that will result in residential development that maintains cohesive neighborhood identity, preserves historic resources, and enhances the unique setting and character of the City and its residential neighborhoods.
2. **Applicability.** The standards in this Subsection apply to the development of neighborhoods consisting of single-family residential development.
3. **Diversity of Product.** In an effort to provide a variety of housing types and create some diversity of options within large subdivisions, neighborhood developments containing less than 150 total single-family residential units must contain one (1) or more lot size, lot width, and product type. Developments containing 150 or more total units may have up to 70% of the total lots with a

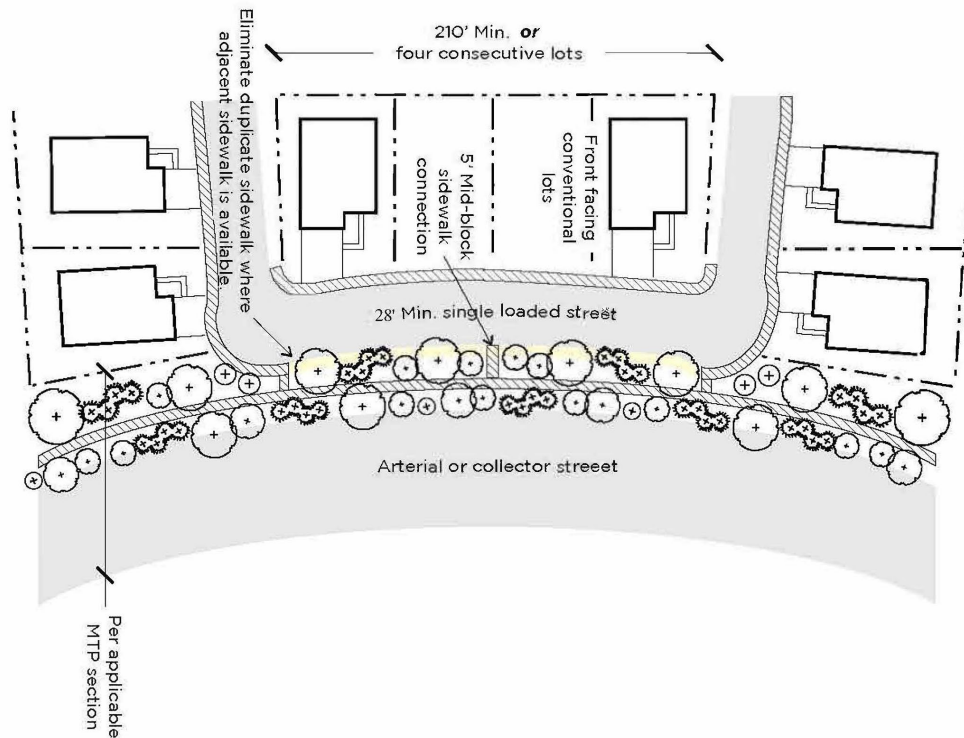
similar lot size, lot width, and product type, while the remaining 30% of lots must be distinctly different.

- a. For the purposes of the subsection above, “distinctly different product type” shall mean variations on the geometry of the lot; the varying ways that a Dwelling Unit functions and/or lives based on the location and orientation of the Dwelling Unit on the lot; variations in the Dwelling Unit building or structure whether attached or detached in configuration; and the varying architectural features such as garage location, front door location and yard area or configuration thereof. Final determination of distinctly different product type shall be made by the Director.

4. ***Neighborhood Site Design.*** The goal of these standards is to create an open and inviting environment with visual interest along the limits of exterior public streets.

- a. Along each frontage exceeding 300 feet in a residential subdivision, for a collector or arterial street (as identified by the Master Transportation Plan) a minimum of two of the following layout options must be utilized. The Director has the final decision of whether a proposed subdivision must comply with these standards based on a scenario where a project has limited frontage along an arterial or collector street. Perimeter wall requirements can be found in HMC Section 19.10.2.B.7(b). Roadway widths, sidewalk widths and perimeter landscaping planting and quantities along the arterial or collector streets must comply with the Master Transportation Plan. Perimeter landscaping must comply with the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List:
 - i. *Single Loaded Streets (Slip Street):* Where an internal residential roadway is parallel with an arterial or collector street and buffered with landscape to create a pedestrian friendly edge as well as promote architecture forward design. See Figure 19.10.2-A, Single Loaded Street.

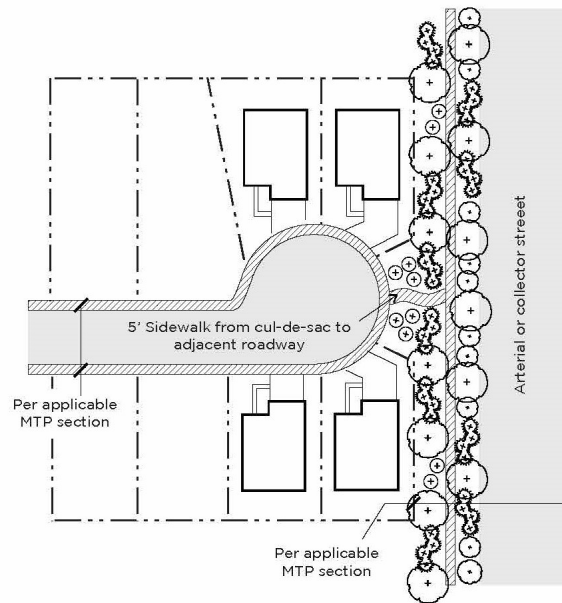
FIGURE 19.10.2-A, SINGLE LOADED STREET



- (a) Minimum block length of the single loaded street must be no less than four consecutive lots, or 210 feet from residential property line to residential property line, whichever is greater.
 - (b) At least one mid-block sidewalk connection between the exterior roadway and the subdivision must be provided.
 - (c) The duplicative sidewalk on the outside edge of the subdivision may be eliminated if it is adjacent to a sidewalk on the exterior street.
 - (d) All homes along the single loaded streets must be front facing.
- ii. *Open Ended Cul-De-Sacs or Knuckles:* Where a cul-de-sac or knuckle(s) is perpendicular to an arterial or collector street and buffered with landscaping to create a pedestrian friendly edge. This orientation also limits the amount of visible wall on the perimeter of the neighborhood and provides for opportunities to expose architecture. See Figure 19.10.2-B, Open Ended Cul-De-Sac. Pedestrian connections from the cul-de-sac to the perimeter arterial or collector street must be provided per HMC Section 19.10.3.C., Connectivity.

- (a) The minimum width of the open ended cul-de-sac or knuckle shall be 30 feet, consistent with HMC Section 19.10.10.D.2.ii, Neighborhood Paseo.

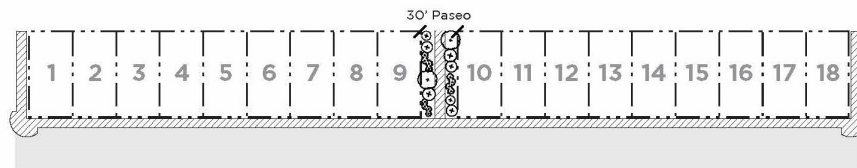
FIGURE 19.10.2-B, OPEN ENDED CUL-DE-SAC



- iii. *Neighborhood Entrances:* Where landscaped neighborhood vehicular entrances are provided from an arterial or collector street its primary purpose is to give access to vehicles and pedestrians. This also provides a break in the perimeter wall and requires creative home plotting. This does not include secondary emergency accesses.
 - (a) Where this condition is being proposed within a neighborhood, this option may be only counted as one treatment even if multiple entrances on the same street are proposed.
- iv. *Variation in Dwelling Height/Roof Form:* Where the homes along the perimeter of the subdivision have a range in building height. Homes along the perimeter of the subdivision that are adjacent to an arterial or collector street must have at least a five (5) foot building height difference or varying roof form to the adjacent homes.
- v. *Front Loaded Architecture:* Where the neighborhood has architecture that is designed to have its primary elevation on the perimeter of the subdivision. This can be generally associated with alley-loaded product, single-family attached development, cluster product or other type of rear garage loaded architecture. Where this condition is being proposed within a neighborhood, it shall be permitted as the only condition for HMC Subsection 19.10.2.B.4., Neighborhood Site Design.

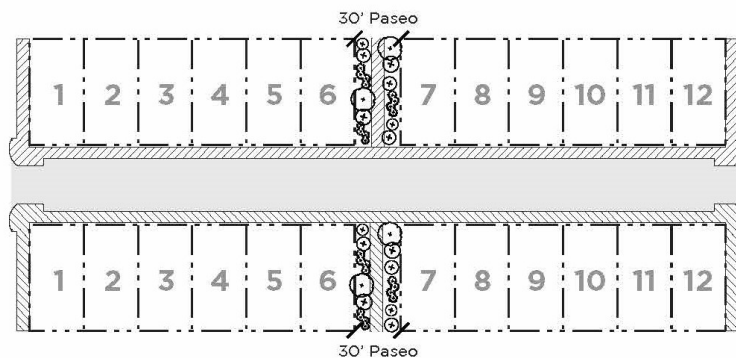
- b. Alternative layout options will be reviewed on a case-by-case basis and shall be in response to specific site geometry or other physical limitations that limit the feasibility of the options defined within these development standards. Approval of an alternative layout option for a specific development does not necessarily guarantee approval for another development.
5. **Narrow lots (40' width or less).** This section provides additional guidelines designed to mitigate the dominance of garage doors and aprons on streetscapes comprised of these street-loaded narrow lots.
- a. Single-family detached products within Subdivisions with typical lot widths of 40' or less must comply with the standards above as well as the following:
 - i. *Single loaded streets* – i.e. those with street-loaded narrow lots on only one side of the street – may have a maximum of 12 front-loaded, narrow lots on a block. See Figure 19.10.2-C, Single Loaded Street.

FIGURE 19.10.2-C, SINGLE LOADED STREET WITH NEIGHBORHOOD PASEO INCREASE



- ii. *Double loaded streets* – i.e. those with street-loaded narrow lots facing each other across a street – may have a maximum of eight street-loaded narrow lots in a row per side. See Figure 19.10.2-D, Double Loaded Street.

FIGURE 19.10.2-D, DOUBLE LOADED STREET WITH NEIGHBORHOOD PASEO INCREASE



- iii. On a case-by-case basis, up to a 50% increase in the number of allowed street-loaded narrow lots may be granted by the Director if a landscaped Neighborhood Paseo is placed in the middle of a row of such lots. The Neighborhood Paseo shall be a minimum width of 30 feet and comply with HMC Section 19.10.10.D.2.ii.

C. Single Family Residential Design Standards

1. **Purpose.** This Subsection addresses basic principles of urban design that will result in residential dwellings that maintain cohesive neighborhood identity, preserve natural resources, and enhance the unique setting and character of the City and its residential neighborhoods. The Director shall have final determination on whether the intent of these standards are being met.
2. **Applicability.** The standards in this Subsection apply to the development of any single-family residential development. Additional standards for single-family attached residential dwelling units can be found in HMC Section 19.10.2.D., Additional Single Family Attached Residential Design Standards.
3. **Alleys.** Residential alleys are low-speed and low-trafficked streets that are not intended for general traffic circulation. Alleys permanently serve only to provide vehicular access to the rear of residential units. Alleys should be considered as a means of concealing parking, locating utilities, and minimizing curb cuts. Alleys shall not be the primary roadway within a subdivision. Staff has final determination on whether the intent of these standards are being met. If alleys are constructed in conjunction with a single-family development, the following standards shall be met. Landscaping must comply with the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List. Alley dimensions can be found in HMC Subsection 19.14.7.I., Alleys.
 - a. **Use of Alley.**
 - i. Alley access to streets outside the subdivision is strictly prohibited.
 - ii. No parking shall be allowed in an alley or on a driveway apron less than 19-feet long accessed from an alley.
 - iii. Single-loaded alleys are not permitted except in cases where a portion of the alley must be single-loaded because of unique site geometry. The subdivider may propose alternative single-loaded designs subject to conditions and approvals by the City.
 - iv. Alleys shall be privately owned and mapped as common elements.
 - b. **Alley Layout.**
 - i. Alleys shall have a maximum straight segment of 450 feet. This shall be measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance).
 - ii. Alleys must connect to interior subdivision streets.
 - iii. Intersections of alleys or turns in alleys are discouraged and will be approved only where existing development precludes a through route, or where road configuration or a significant feature, such as a Neighborhood Park or Paseo (as defined in HMC Section 19.10.10.D), justifies a turn or intersection.
 - iv. Alleys shall be designed to accommodate utilities, fire and trash access.
 - v. Dwellings with front-facing garages may not be built on an alley.

4. ***Access to Schools.***

- a. Developers within a half-mile of a school shall provide interim pedestrian pathways within the public right-of-way if adjacent vacant or undeveloped land impedes pedestrian and bicycle access to a school site.
- b. Pedestrian access must be provided on at least two sides of the residential development, unless physical barriers or other site constraints make secondary access impractical, as determined by the Director.

5. ***Building Design.***

a. ***Architectural Variability.***

- i. For all development involving five or more contiguous lots, applicants must choose from the architectural styles listed Appendix C. It is important for architectural integrity that the chosen architectural style is followed completely.
- ii. *Application of Architectural Styles* - each individual floor plan shall offer the choice of elevations in at least three significantly different architectural styles with each style showcasing at least three distinctive elements.
- iii. *Adjacency of Same or Similar Attributes* - The same combination of elevation style and floor plan for dwelling units shall not be placed beside each other. Dwelling units that make use of the same floor plan and are sited directly across the street from one another shall incorporate a different elevation style whenever possible and shall use a different exterior color/material palette and roof tile color.

b. ***Articulation/Massing.***

Vertical articulation is encouraged but not mandated. Single level homes interspersed with multi-level homes are desired but not mandated so long as the mix of homes along any block is comprised of architectural details that are distinctive and create a street scape that accentuates variety.

All building elevations that face a street, common open space or a cluster driveway shall employ varied articulation of wall surfaces. Wall surfaces shall be articulated through the use of at least four of the following techniques. The same exact four techniques cannot be used on adjacent homes:

- i. A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the dwelling;
- ii. Use of offsets or insets, bays, or other similar architectural features to add a variety of depths to the wall planes;
- iii. Use of balconies, overhangs, or covered patios;
- iv. Variations in roof lines, such as a gable or dormer;
- v. Door and/or window placement, provided windows are similar in size and orientation as those found on most of the dwellings on the same block;
- vi. Change from adjacent properties in the width of the front façade by two (2) feet or more;

- vii. Variation in the location and proportion of front porches;
 - viii. Variation in the location and/or proportion of garages and garage doors; or
 - ix. Other techniques determined as appropriate by the Director.
- c. ***Side and Rear Articulation.*** The intent of the standards below is to prevent large expanses of blank walls. All side and rear elevations shall incorporate at least two of the techniques below on all floors:
- i. A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the dwelling;
 - ii. Use of offsets or insets, bays, or other similar architectural features to add a variety of depths to the wall planes;
 - iii. Window trim as required by HMC Section 19.7.6.B.3(f);
 - iv. Shutter accents on upper story windows;
 - v. Wainscoting along the first six feet of the side of homes;
 - vi. Potting ledges;
 - vii. Recessed windows a minimum width of 12 inches;
 - viii. Bay windows;
 - ix. Window grids (between the glass) as appropriate to architecture with a minimum of two grids per pane in each direction; or
 - x. Other techniques as determined appropriate by the Director.
 - xi. Facades less than 10 feet from the parallel façade of adjacent houses are exempt from this subsection except for second and third story facades adjacent to single-story facades.

6. ***Materials and Colors.***

- a. A greater variety of materials used on facades from home to home and within a single structure creates a more diverse and interesting neighborhood.
- b. Each individual architectural style to be used within a subdivision shall have a minimum of three material/color palettes, each of which shall include the following elements:
 - i. Front facade materials shall not change at outside corners and shall continue along side elevations for at least six feet beyond the outside corner.
 - ii. Front facade materials, colors, and architectural embellishments shall continue along any side elevation abutting a street right-of-way, open space, or a cluster driveway to a natural termination point as determined by the Director or a minimum of 10 feet; such natural termination point may be a minimum 6-foot high decorative wall or fence.
 - iii. Material changes shall occur around windows, doors, cornices, corners, or as a repetitive pattern on a facade.

- iv. Materials should be incorporated such that they do not appear to be appliqué – i.e. merely surface applications – and such that they are used in their appropriate manner or style. Use heavier materials as bases, and terminate materials on inside corners. Traditionally heavy-appearing or “bearing” materials such as stone or masonry should not “float” above lighter appearing materials.
- v. Corrugated metal finish is prohibited.

7. ***Roofs.***

- a. A variety of roof plans and pitches is required for the front and rear elevations.
- b. A maximum of 2/3 of the homes in a neighborhood shall incorporate any one roof material and shape. Proposals/applications should demonstrate either graphically or quantitatively how a project satisfies the distribution requirements of this section.
- c. In addition to using differing primary roof materials, efforts shall be made to ensure that the two materials are also of significantly dissimilar colors.
- d. Given that a particular style will suggest the appropriate roof elements of a given plan, the choice of and variety of plans and their architectural styles should generate an acceptable variety of roof pitches and types.
- e. Unarticulated roof forms shall not be set on a constant wall plate height.
- f. Variation in ridgeline heights and alignments should be incorporated to create visual interest.
- g. Other techniques as determined appropriate by the Director.

8. ***Windows.*** All windows on all elevations shall be designed with either:

- a. Pop-out trim surrounding window;
- b. Header and sill trim;
- c. Shutter accents;
- d. Awnings appropriate to architecture;
- e. Recession of a minimum of 12 inches; or
- f. Other techniques as determined appropriate by the Director.

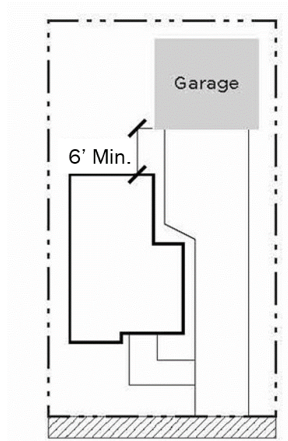
9. ***Garages.***

- a. *Garages on greater than 40-foot wide lots:*
 - i. Street-facing garages shall be recessed a minimum of six feet behind the first-floor front facade plane of the dwelling they serve.
 - ii. Street-facing garages shall be located at least 20 linear feet from the front property line.
 - iii. Porches with a minimum area of 36 square feet and a minimum depth of 6 feet may be counted as the front façade plane.
 - iv. Houses with garages facing streets or private drives shall include a minimum of at least three architectural features on the elevation that includes the

garage door(s). Examples of such features include, but are not limited to, the following:

- (a) Garage detached from principal dwelling and recessed at least six feet behind the rear elevation (counts as two architectural features). See Figure 19.10.2-E, Detached Garage.

FIGURE 19.10.2-E, DETACHED GARAGE



- (b) Garage doors painted an accent or contrasting color;
 - (c) Ornamental architecturally enhanced garage door face (e.g., more than wood grain appearance);
 - (d) Ornamental light fixtures flanking the doors;
 - (e) Arbor or trellis flanking garage doors;
 - (f) Columns flanking doors;
 - (g) Portico treatment;
 - (h) Windows in the garage door (equal to quantity of vehicle spaces within garage);
 - (i) Dormers;
 - (j) Overhangs over at least the entire length of the garage door with a minimum depth of 12 inches;
 - (k) Eaves with exposed rafters and/or with a minimum six-inch projection from the facade plane;
 - (l) Roof line changes;
 - (m) Decorative gable vent covers; or
 - (n) Dentil or other molding.
- v. When multiple garage doors on the same facade are allowed, a minimum separation of at least one foot shall be provided between each garage door.

- (a) Where three-car garages are allowed, the third car stall shall be provided as:
 - (1) A Tandem;
 - (2) The garages can be separated with two stalls having front access and a third stall being side-loaded; or
 - (3) The third stall shall project or be recessed three feet from the front plane of the remainder of the garage.
- vi. Side-loaded garages shall contain a minimum of one window, with a minimum size of 12 square feet, in the garage wall facing the street.
- vii. In a subdivision with at least four model types, a front, walled courtyard may be utilized in lieu of the 6-foot garage recess if it meets the following standards:
 - (a) The courtyard must project a minimum of 10 feet in front of the face of the garage.
 - (b) The minimum courtyard width is 10 feet.
 - (c) If within a required front or corner side yard setback, the courtyard wall must be 32 inches in height with pilasters of a maximum height of 4 feet. If it is outside of a required front or corner side yard setback the maximum height is 6 feet.
 - (d) Courtyard walls must be constructed of decorative, solid masonry (stone, brick, painted stucco, etc.) that utilizes similar design, materials, and colors as the house. Exposed concrete block, including splitface or slumpstone, is not acceptable. The wall must be architecturally integrated with the house.
 - (e) This option may only be utilized on 25% of the total model types within a development.
- b. *Garages on less than or equal to 40-foot wide lots:*
 - i. Varying lot shapes, including pie shaped, lots on curves, and corner lots, which increases the lot width above the threshold for the garage standards designation do not necessitate the use of the standards for greater than 40-foot wide lots. The Director has final determination.
 - ii. Street-facing garages shall be located at least 20 linear feet from the front property line.
 - iii. *Garage Door Color.* Double width garage doors that do not incorporate an Enhanced Garage Design as described below must be a contrasting color to the main color of the structure or be of a very similar color value to the structure secondary/accent colors.
 - iv. *Other Elements.* Elements from the following categories shall be included in the design of each dwelling/lot. A minimum total of three elements from HMC

Subsections 19.10.2.C.9.b.iv (a) and/or (b), and a minimum of one element from HMC Subsection 19.10.2.C.9.b.iv.(c) is required.

(a) Decorative Driveway Materials and Treatments.

- (1) Stained/colored concrete – medium and darker colors preferred
- (2) Stamped concrete – must also be stained/colored
- (3) Decorative pavers – contrasting patterns preferred
- (4) Landscaped center strip between tire track pads (xeriscape, ground cover, artificial turf). Maximum tire track pad width: 18 inches.

(b) Enhanced Garage Design.

- (1) “Carriage” style doors as appropriate to the selected architectural style of the home.
- (2) Windows in patterned/paneled doors as appropriate to the selected architectural style of the home. One row of windows with one window per column of panels. Window to occupy at least 75 percent of the individual panel area.
- (3) Shallow arched or other non-rectangular door opening as appropriate to selected architectural style.
- (4) Split door – separate door for each garage parking space with minimum of one foot between door openings.
- (5) Deep recessed door from surrounding face of structure for substantial shadow line – minimum recess of 18 inches.
- (6) Exterior trim or surrounds around door frame(s) as appropriate to the selected architectural style.
- (7) Full width architectural elements in front of garage door. Elements shall be of a depth and design that are appropriate to the selected architectural style of the house. Examples include: attached or free-standing trellis structure or extension of ground level porch roofline.

(c) Massing.

- (1) Include at least three different planes on front façade, including projecting or “pop-out” portions-minimum offset of 18 inches between planes.
- (2) One-story garage (or partial garage) element with deep overhang roof element for deep shadow line. Such element shall project a minimum of eight feet from a taller recessed element.
- (3) Minimum garage offset of four feet behind the face of living space or covered front porch. Minimum useable porch width must be six feet.

- (4) Roofed or partially roofed balcony over garage. Balcony shall have a minimum depth of five and a minimum width of eight feet.

- c. Garage Dimensions. Garages shall meet the requirements of HMC Subsection 19.12.8.J, Garages and Carports in Residential and Mixed-Use Districts.

D. **Additional Single Family Attached Residential Design Standards.**

1. **Purpose.** The purpose of this section is to provide additional design guidelines that address the particular issues associated with single-family attached developments. Successful execution of these guidelines will ensure quality developments whose designs will incorporate outward, street-facing orientations; thoughtful, efficient, and carefully screened parking accommodations; greater variety and creativity in the development of building types and sizes; and thoughtful transition to and integration with surrounding developments.
2. **Applicability.** The standards in this Subsection apply only to single-family attached dwelling units and are provided in addition to the design standards found above in HMC Section 19.10.2.C. Single Family Residential Design Standards.
3. **Building Layout and Development Pattern.** Appropriate building siting can reduce the perceived density of single family attached developments, maximize open space areas, and enhance neighborliness and a sense of community by providing attractive and desirable spaces where people may gather and interact. The guidelines below are intended to apply site planning and building orientation to achieve the following goals:
 - a. Ensure that residential buildings relate appropriately to surrounding land uses and streets through the use of complementary building arrangements, buffers, and avoidance of overwhelming building scale and visual obstructions.
 - b. Use courtyard siting arrangements, where appropriate, to complement similar siting in the area.
 - c. Promote efficient site layout in terms of vehicular and pedestrian circulation patterns.
 - d. Establish a unique and identifiable image for single-family attached development throughout the City.
4. **General Site Organization.** The siting of individual buildings within single-family attached development should consider the existing context of the surrounding development and shall be organized and oriented around or according to the following criteria:
 - a. Buildings shall be clustered or grouped to form distinct developments.
 - b. Buildings shall be oriented on the site to create visual interest and variety.
 - c. Designs should articulate the building massing appropriately to minimize boxiness. This guideline is applicable to the front and rear elevations as well as the street facing side elevations of corner lot units or elevations facing public or private open space.
 - d. Provide enhanced elevations where units back or side onto alleys and/or when they are visible from the street or from public and/or private open space. This requirement should include but not be limited to one or more of the following: building articulation, window treatments, landscaping driveways, and massing variation.
 - e. When possible, buildings shall be organized around a common open space, public open space (e.g. a small park or paseo), courtyard, or community amenities such as swimming pools or other recreational facilities

- f. Buildings shall have a street orientation parallel to primary perimeter streets, including thoroughfares or boundaries, or internal through-access drives with some setback variation to provide visual interest.
- g. Portions of the development that are not oriented to the street shall be well integrated into the project's overall site design. As with the street-oriented area of the development, the same design considerations shall be given to siting, appearance, circulation, landscaping, and safety issues.
- h. Buildings shall not have primary orientation toward parking lots unless approved by city staff during the Tentative Map process.
 - i. Parking quantities are regulated by HMC Section 19.12.
- i. Buildings shall be oriented to provide some privacy yet still relate to the street and the existing community. Doors should be visible from the street or public open space and windows should allow residents to have "eyes on the street" for natural surveillance. Doors may be located on the side of buildings at the end units and must meet all front and side setback requirements.
- j. Energy efficiency and energy conservation should be considered in building siting. Buildings should be oriented to take advantage of prevailing breezes, shading, and solar opportunities whenever possible.
- k. Where public transit is located near the development, the site design should consider convenience and comfort factors for residents. Such factors include direct access and widened sidewalks provided near public transit stops.
- l. HVAC units for interior single-family attached products must be screened and identified at the initial product design review,
 - i. Screening must be opaque and may include low walls, fencing or other materials as determined appropriate by the Director. Landscaping will not satisfy this requirement.

5. ***Building Separation.***

- a. ***Alley Loaded Development.***
 - i. For buildings with two units, a minimum 10-foot separation shall be provided between buildings and a minimum 20-foot separation shall be required between every third building.
 - ii. For buildings with three or four units, a minimum 10-foot separation shall be provided between buildings and a minimum 20-foot separation shall be required between every other building.
 - iii. For buildings with five or more units, even if adjacent to a building with four or fewer units, a minimum 20-foot building separation shall be required between every building.
 - iv. The following shall apply for the required 20-foot separation between buildings:
 - (a) This area shall include a minimum 10-foot wide common element which includes a minimum 5-foot wide sidewalk connecting the rear of the building to the front.

- (b) This area shall be mapped as a common element.
 - b. **Front Loaded Development.**
 - i. A minimum 10-foot separation shall be provided between buildings.
 - ii. Every 330 linear feet, or alternate configuration as approved by the Director, a mid-block walkway or increased building separation must be provided with a minimum 20-foot separation between buildings.
 - (a) This area shall include a minimum 10-foot wide common element with a minimum 5-foot wide sidewalk to connect to any adjacent street, neighborhood paseo, trail corridor, or neighborhood park located behind the buildings. If none of these exist behind the buildings, then the sidewalk is not required.
 - (b) This area shall be mapped as a common element.
- 6. **Primary Entrance Orientation**
 - a. Single-family attached residential development on corner lots may include primary entrances that face primary and secondary streets as well as common open space.
 - b. In order to encourage the development of dwelling units that open directly onto the street, applicants for single-family attached residential development may request that the front building setback requirements for such buildings be reduced through the administrative adjustment process, if the primary entrances for the dwelling units will open directly onto a major collector or minor arterial as shown on the Master Transportation Plan.
- E. **Standards for Manufactured Homes.** A manufactured home on an individual lot, outside of a mobile home subdivision or mobile home park, is permitted as a single-family detached dwelling provided it complies with the following standards,
 - 1. **Configuration.** Manufactured homes shall:
 - a. Be permanently affixed to the lot by means of a permanent foundation;
 - b. Be manufactured within the five years immediately preceding the date on which it is affixed to the residential lot;
 - c. Consist of more than one section;
 - d. Include at least 1,200 square feet of living area;
 - e. Consist of at least five sides or corners, with the smallest side or corner measuring a minimum of five feet; and
 - f. Have a minimum width and depth of 20 feet.
 - 2. **Exterior Finish.**
 - a. The exterior finish shall be architecturally integrated with the homes in the immediate vicinity. This includes roofing and building design.
 - b. The exterior finish shall be or give the appearance of stucco, masonry, horizontal wood siding, or metal siding.
 - c. All siding shall be horizontal lap and shall have decorative features such as window and door trim or vents.

- d. An elevated foundation must be masked with the same exterior finish used on the home or decorative masonry wainscoting. All masking must be extended to within six inches of grade.

3. ***Roofing.***

- a. Material shall be or give the appearance of asphalt shingles, tile, or wood, but actual wood shall not be used as a material.
- b. Roofing material must be different in color and material than that of the exterior finish of the house so as to create contrast.
- c. Roofs shall maintain a minimum pitch of 3:12. Roofing may be allowed at 2:12 as long as a minimum of 75 percent of the roofing area is 3:12.
- d. Flat roofs may be allowed provided they represent a specific architectural style and include a parapet that screens the roof.

F. **Multi-Family Residential Design Standards.**

- 1. ***Purpose and Intent.*** This Subsection is intended to promote attractive and well-designed multi-family residential development while encouraging creativity and flexibility in the site layout and building design. For each proposal, applicants must demonstrate in writing and through architectural exhibits how the intent statements of each design aspect are met. The Director, Commission, or Council may deny the project and/or require conditions of approval if they determine that the intent is not met.
- 2. ***Applicability.*** This Subsection applies to the development of any multi-family residential building and any building containing two or more dwelling units on one lot, each of which includes a separate household.
- 3. ***Site Design and Building Organization.***
 - a. ***Intent.***
 - i. Provide landscape, open space, and amenity areas that are useable to residents of all ages in the development;
 - ii. Provide convenient pedestrian circulation throughout the development and connections to surrounding developments and other modes of transportation;
 - iii. Provide convenient bicycle circulation throughout the development and connections to existing and planned surrounding bicycle infrastructure;
 - iv. Provide appropriate buffering to/from adjacent uses;
 - v. Provide convenient and adequate resident and guest parking and access to household-related services;
 - vi. Activate street frontages through effective building universal design, orientation, landscaping, and pedestrian and bicycle amenities; and
 - vii. Create an active ground floor environment through deliberate placement and arrangement of buildings, landscaping, pedestrian and bicycle amenities on the site and along frontages.
 - viii. Buildings shall be organized in relation to open spaces to create a balance of useable open space and efficient circulation and parking.

- b. *Pedestrian Access.*
 - i. Safe and convenient pedestrian access points must be provided that connect the interior walkways of the development to adjacent neighborhoods, services (e.g., storage, laundry, trash/recycling), parks, open space or trail networks, and/or to the adjacent street, consistent with the Comprehensive Plan. One access point shall be provided every 500 feet. Where site constraints exist, the Director may approve alternative spacing.
 - ii. Shared front entries or stairways are permitted for groupings of two to four units per floor. Long, exterior balconies served by two or fewer stairways in a single, continuous path are prohibited.
 - iii. Interim pathways must be provided within the public right-of-way if adjacent vacant or undeveloped land impedes pedestrian and bicycle access to a school site.
 - iv. Pedestrian gates in walled residential developments are encouraged to provide access to nearby retail, services, trails, and transit stops and improve connectivity.
- c. *Vehicular Access.* Multifamily developments are to be served by arterial and collector streets, and shall comply with the following standards:
 - i. A minimum of one secondary point of vehicular ingress/egress into a multifamily development shall be required in accordance with City of Henderson specifications; and
 - ii. No vehicular access from a multifamily development shall be provided on a local street serving existing single-family detached development; however, emergency vehicle access may be provided, as appropriate in accordance with City of Henderson specifications.
- d. *Relationship to the Street.* Varied setbacks, building orientations, building heights, and other site layout techniques shall be incorporated into the design of the development along primary street frontages to create varied streetscapes, provide views into or out of the development, and avoid monotonous appearance created by uniform rows of buildings.
- e. *Building Separation.*
 - i. A minimum 20-foot separation shall be required between buildings.
- f. *Safety Requirements.* Developments shall be consistent with the following requirements:
 - i. Mailboxes shall be located in high-visibility and/or well-lit areas;
 - ii. Community laundry rooms shall be visible from common, walking, and driving areas. All laundry rooms shall have vision panels to view into the room prior to entering.
 - iii. The community laundry room shall have minimum of five MMFC at all times; and

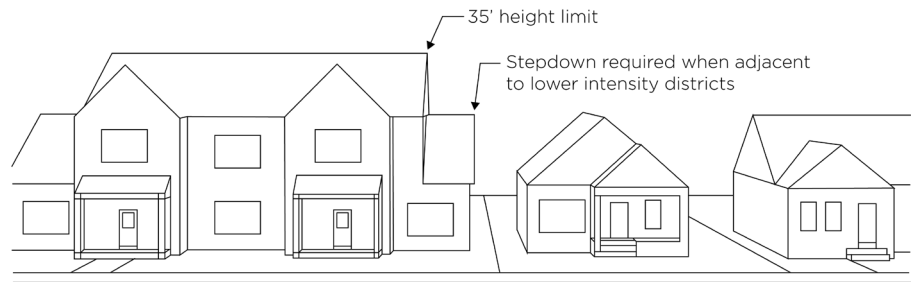
- iv. Any wall or fence serving as a barrier for an existing or future swimming pool or spa must comply with HMC Section 15.44, Swimming Pool Code, and safety requirements at time of construction, regardless of when the swimming pool or spa may have been constructed. Pool areas shall provide a minimum of 10 MMFC from dusk to dawn.
- v. Each multi-family development and/or mixed-use development shall be developed to provide access for emergency responders. Access shall be provided at all exterior building doors used for common entrance, gates, and locked corridors. Access to allow emergency ingress to all interior hallways and corridors shall be provided through electronic key-pad access and/or coded key lock boxes.
- g. *Open Space, Perimeter Landscaping, and Fences and Walls.* Open space shall be provided consistent with HMC Section 19.10.10, Open Space Requirements. Perimeter landscaping and buffers shall be provided consistent with HMC Chapter 19.11, Landscaping Standards. Perimeter fencing and walls shall be provided consistent with HMC Section 19.10.6, Fences and Walls.

4. ***Building Design and Variety.***

- a. *Intent.*
 - i. Enhance the character and visual interest of a multi-family development through the use of varied architectural elements, building heights, colors and materials, and other features.
 - ii. Prevent blank building facades and repetitive building forms while promoting creativity and flexibility in the design of multi-family buildings.
 - iii. Maximize variety in design where there are multiple buildings within a development, avoiding a predominance of any one building type.
 - iv. Vary the development type and pattern between neighboring multi-family developments to avoid repetitive architectural designs or forms.
- b. *Four-Sided Architecture.* All building facades that face a public or private street, and/or drive aisle shall feature the following elements.
 - i. Color and use of materials (consistent with the native desert environment).
 - ii. Rooflines, through the use of sloping roofs, modulated building heights, gables, dormers, and other roofing details.
 - iii. Wall planes that are offset from the main building façade to provide additional articulation to the building mass.
 - iv. Centralized ground-floor entrances that are proportionate to the overall scale of the building and/or ground floor entrances to individual units.
 - v. Other elements as approved by the Director.
- c. *Articulation.* Any building over 125 feet wide shall be designed to reflect as a series of buildings no wider than 50 feet each.
- d. *Vertical Relationship.*

- i. **Height.** Buildings located within 100 feet of a single-family residential zoning district shall not exceed 35 feet. The multi-story structure must step-down adjacent to lower-intensity districts to a height comparable to the surrounding context, as illustrated in Figure 19.10.2-F, Building Step-Down.

FIGURE 19.10.2-F, BUILDING STEP-DOWN



- ii. **Massing.** Buildings that exceed three stories shall have a distinct base and cap.
- e. **Roof Modulation.**
 - i. Parapet walls fronting a street shall include three-dimensional cornice treatments of a belt course with a minimum width of six inches to provide visual relief.
 - ii. Roof forms shall be designed to correspond and denote building elements and functions (e.g., entrances, arcades).
 - iii. All roof equipment and attachments (except chimneys) shall be configured to have a minimal visual impact as seen from the street. Roof equipment shall not extend above the ridgeline and shall be painted or architectural integrated with the roof design and color to the maximum practical extent.
 - iv. Wood roofs are prohibited. Asphalt shingles may be proposed if sufficient aesthetic justification is given.
- f. **Distinct Building Designs.**
 - i. Developments with multiple residential buildings shall incorporate a variety of distinct building designs consistent with Table 19.10.2-1, Distinct Building Designs.

TABLE 19.10.2-1, DISTINCT BUILDING DESIGNS

Number of Buildings in Development	Minimum Number of Distinct Buildings
3-10	2
11-20	3
21 or more	1 per every 6 buildings

- ii. “Distinct” means that a building’s footprint or length is noticeably different, and a building’s elevation differs from other building elevations in the articulation measures listed above. Mirror images of the same configuration do not meet the definition of “distinct.” For the purposes of this standard, buildings and other structures that are accessory to the principal multifamily residential buildings (e.g., club house, leasing office, garage buildings) shall not count towards the number of distinct building designs required.

G. **Non-Residential Design Standards.** The provisions of this subsection apply to all non-residential structures in all districts, unless otherwise provided by this Code.

1. ***Access.***

- a. Development shall be configured to consolidate and minimize the number of new access points on arterial streets.
- b. Access drives or onsite streets shall not be configured to align with accessways serving adjacent residential developments unless physical or environmental constraints require this alignment.
- c. All commercial driveway entries shall be a minimum of 32 feet in width.

2. ***Block Pattern.***

- a. Large buildings with multiple tenants must provide entries at multiple street frontages to improve the design flexibility and options for building location.
- b. On corner sites, buildings shall be located as near to the intersection as possible to enliven the streetscape and visual interest.

3. ***Building Organization.*** Horizontally integrated mixed-use developments shall locate nonresidential uses and higher intensity uses along Boulder Highway, if applicable, and away from lots in adjacent residential land uses.

4. ***Outparcel Development.***

- a. Outparcels and their buildings shall be clustered in order to define street edges, entry points, and intimate spaces for gathering or seating between buildings.
- b. Spaces between buildings on outparcels shall provide small-scale pedestrian amenities (e.g., shade structures, benches, etc.) or civic spaces (e.g., plazas, seating areas, pedestrian connections, gathering spaces, etc.).

5. ***Building Orientation.***

- a. Buildings shall be oriented to face streets, sidewalks, transit routes, and/or trail corridors.
- b. Balcony and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).
- c. Buildings shall be constructed and oriented to maximize solar energy potential and shade on the primary building façade and areas of high pedestrian activity.

6. ***Building Entrances.***

- a. All buildings located on a public street with an existing or planned sidewalk or trail shall have a primary building entrance facing the street with a pedestrian walkway to the sidewalk or trail, unless a physical barrier prevents pedestrian access. If the Director

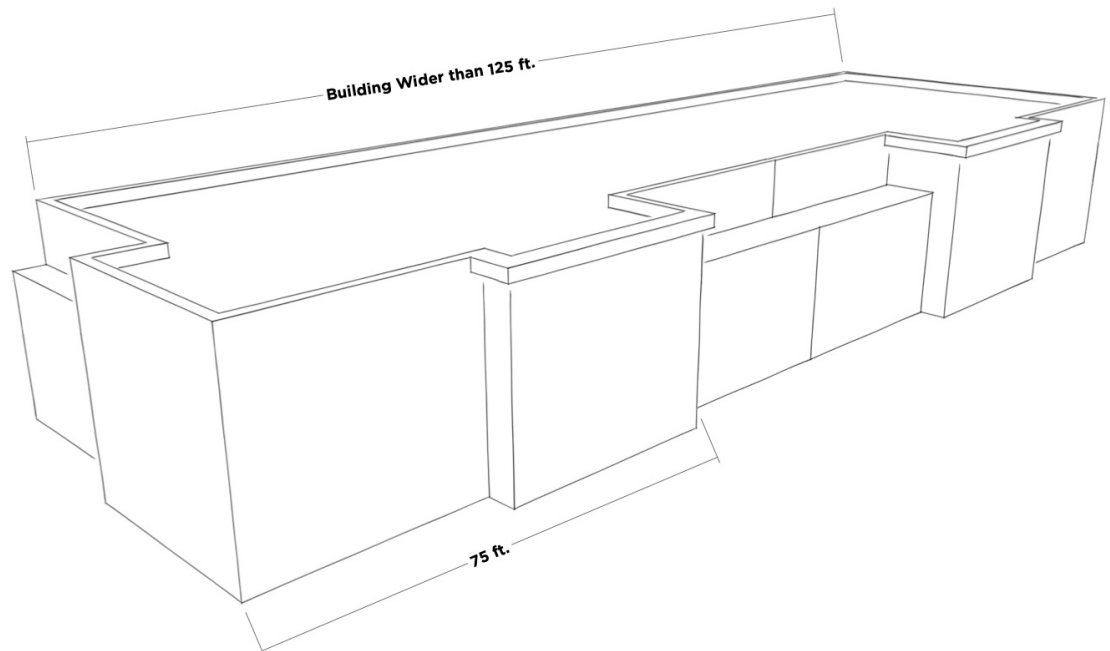
determines that a primary building entrance is not feasible, a minimum of one operable doorway shall be provided.

- b. Entrances located at building corners shall be clearly identifiable by entrance sign placement and/or emphasizing and enhancing the level of entrance architectural details such as a projection, recess, or change in plane (e.g., located at a 45-degree angle from the corner) to animate the intersection and facilitate pedestrian flow. Other architectural details may include angled or rounded corners, arches, and arcades.
- c. Buildings or dwelling units located in the interior of a site shall have entrances from a pedestrian walkway that is designed as an extension of the public sidewalk and connect to a public sidewalk.

7. ***Building Design.***

- a. *Four-Sided Architecture.* All sides of a building shall feature a similar level of architectural detail as reflected on the front facade.
- b. *Articulation.* Any building over 125 feet wide shall be designed to read as a series of buildings no wider than 75 feet each. See Figure 19.10.2-G, Building Articulation.

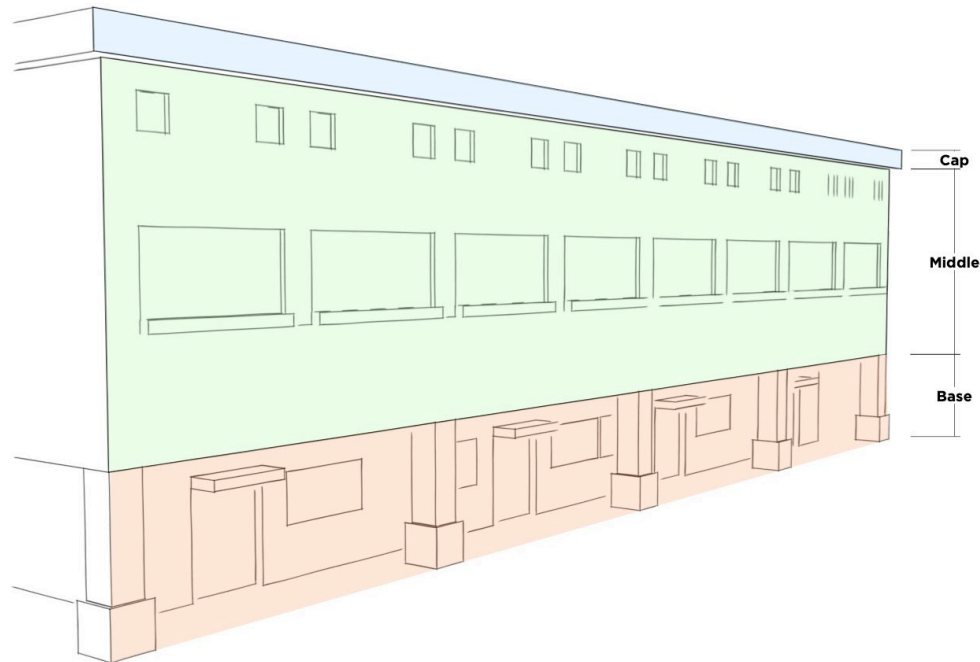
FIGURE 19.10.2-G, BUILDING ARTICULATION



- c. *Vertical Relationship.* Buildings with three or more stories shall incorporate a base, middle, and cap, and buildings with one or two stories shall incorporate a base and cap, as described below and shown in Figure 19.10.2-H, Vertical Relationship.
 - i. Base. The base shall include an entryway with transparent windows, and a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two inches and a height of at least four inches.
 - ii. Middle. The middle shall include windows and/or balconies.

- iii. **Cap.** The cap shall include the area from the top floor to the roof of the building and shall include a cornice or roof overhang.

FIGURE 19.10.2-H, VERTICAL RELATIONSHIP



- d. **Roof Modulation.** The roof lines for the full length of any roof shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, emphasize key building entrances, and enhance the building's architectural design. Roof line variation shall be achieved by use of the following methods:
 - i. Decorative parapets (a minimum of three feet in height or the maximum necessary to screen rooftop equipment);
 - ii. Overhang eaves (extending a minimum of three feet beyond the supporting wall);
 - iii. Three-dimensional cornice treatments (a minimum of 12 inches high);
 - iv. Three or more roof planes per façade;
 - v. Green roofs, which use vegetation to improve stormwater quality and reduce runoff; or
 - vi. Other approaches approved by the Director where the Director finds that the roof design is composed of a variety of roof forms that are appropriately scaled and proportioned.
8. **Building Elements.**
- a. **Downspouts and Overflows.** All downspouts and overflow drains shall be incorporated into exterior building walls or architectural projections and shall not be visible on the exterior of the building.

- b. **Vision Panels.** Vision panels are designed to allow outside surveillance prior to the exit of any person from the service exit of a building. Except for docks or cargo entrances designed for large cargo distribution, vision panels shall be constructed to allow a person to view the exterior area prior to leaving the protection of the interior space. Vision panels shall not allow a person to view the interior of the building from the exterior. Vision panels shall comply with the following standards:
 - c. **Location.**
 - (a) The vision panel (glass portion of the door) shall be center-mounted and placed no more than 63 inches from the bottom of the door.
 - (b) Variations on this size may be permitted as long as a person cannot insert an arm in the event the glass is removed.
 - d. **Size.**
 - i. Solid metal, wood, or composite material doorways in commercial, industrial, or semipublic buildings shall be installed with burglar-resistant glass not to exceed four inches by four inches in size.
 - ii. Wide-angle viewers may be substituted for vision panels if a person can stand several feet from the door and view the exterior of the building; however, outside lighting must not hinder the view due to glare.
- 9. ***Exterior Building Materials and Colors.***
 - a. A unified palette of quality and durable materials shall be used on all sides of buildings. Plywood siding, plastic tile, color integral or painted precision architectural concrete block, painted split-face block, and painted slump stone building walls are prohibited unless approved by the Director.
 - b. Changes in materials shall correspond to building mass.
- 10. ***Conversion of Residential Uses to Nonresidential Uses***
 - a. The conversion of any residential structure to a nonresidential use shall require a design review to ensure compatibility with the intent of this Code.
- 11. ***Residential Compatibility Standards***
 - a. ***Applicability.***
 - i. The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots used by or zoned for detached or attached single-family structures in the RS-4, RS-6, RS-8, RM-10, and RM-16 districts.
 - b. ***Use Limitations.***
 - i. Where these compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:
 - (a) Public address systems;
 - (b) Outdoor storage; and
 - (c) Uses providing delivery services via large tractor trailers (not including package delivery services such as Federal Express or UPS).

c. *Off-Street Parking.*

- i. Off-street parking shall be established in one or more of the locations listed below. The locations are listed in priority order from highest to lowest; the applicant shall select the highest feasible location from this list, and shall demonstrate why that application was selected over other alternative locations.
 - (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
 - (b) Adjacent to lot lines abutting nonresidential development;
 - (c) Adjacent to lot lines abutting mixed-use development;
 - (d) On a lot's corner side;
 - (e) Behind the building;
 - (f) In front of the building; or
 - (g) Adjacent to lot lines abutting residential uses.
- ii. In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged. A cross-section easement shall be recorded.

d. *Landscaping/Screening.*

- i. A solid masonry or concrete wall with a minimum height of six feet and a maximum height of eight feet shall be provided to screen nonresidential uses from adjoining property with a residential land use designation as specified by the Comprehensive Plan or as designated by another local entity when adjacent to the corporate limits. Solid walls adjoining the front yards or street side yards of an adjoining residential lot shall not exceed 32 inches in height. In lieu of a wall, the Director may approve landscaping alternatives to meet this requirement, including berms, hedges, or a combination of wall and landscaping.
- ii. Screening shall not interfere with public sidewalks, vehicular cross-accessways, or improved pedestrian connections.

e. *Exterior Lighting.*

- i. Exterior lighting shall:
 - (a) Have a maximum pole height of 20 feet within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 30 feet in all other locations;
 - (b) Be fully-shielded;

- (c) Be configured so that the source of illumination is not visible;
 - (d) Be directed away from adjacent lots in residential districts; and
 - (e) Illumination shall not exceed 0.50 foot-candles at the property line if the subject property abuts a residential zoning district or a lot containing residential use.
- f. *Multi-Building Developments.*
 - i. Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses.
 - ii. Horizontally integrated mixed-use developments shall locate nonresidential uses away from lots in adjacent residential land uses.
- g. *Building Design.*
 - i. Nonresidential structures taller or larger than adjacent residential uses shall be broken up into modules or wings with the smaller or shorter portions of the structure located adjacent to residential uses.
 - ii. Multi-story structures with balconies, patios, or other public gathering spaces more than 24 feet above grade shall orient these features to avoid direct views into lots in low- and medium-density residential districts.
 - iii. Except in downtown zoning districts, any nonresidential structure that is located within 100 feet of a residential use shall maintain a setback from the residential use equal to the height of the nonresidential structure.
- h. *Façade Configuration.*
 - i. Primary facades of nonresidential and mixed-use structures that face residential districts shall be configured as a series of two or more storefronts.
 - ii. Service functions like refuse collection, incidental storage, and similar functions shall be integrated into the architecture of the building unless an alternate location places these functions farther from adjacent residential uses.
 - iii. Windows shall be arranged to avoid direct lines-of-site into abutting residential uses.
- i. *Operation.*
 - i. Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 p.m.
 - ii. Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 11:00 p.m.
 - iii. Alternate hours of activities may be approved through the conditional use permit process.
- j. *Additional Operational Compatibility Standards.*

- i. As a condition of approval of any discretionary approval of any nonresidential use located within 500 feet of any residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potentially adverse impacts on residential property. Such conditions may include, but shall not be limited to, the following:
 - (a) Location on a site of activities that generate potential adverse impacts on adjacent uses such as noises and glare.
 - (b) Placement of trash receptacles.
 - (c) Location of loading and delivery areas.
 - (d) Placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities.
 - (e) Additional landscaping and buffering.
 - (f) Preservation of natural lighting and solar access.
 - (g) Ventilation and control of odors and fumes.
- k. *Rural Neighborhood Protection Standards.*
 - i. The decision-making body shall be authorized to impose standards that are necessary to reduce or minimize adverse impacts on adjacent rural neighborhoods for parcels within 500 feet of a rural neighborhood. In addition to the Operational Compatibility Standards, minimum standards shall include, but shall not be limited to, the following:
 - (a) Require all applicants to seek neighborhood input through neighborhood meetings prior to presentation of any plan to the Planning Commission.
 - (b) Require the integration of existing and proposed equestrian and multiple-use trail systems, open space, and parks.
 - (c) Require new residential development to front local residential rights-of-way, not arterial streets.
 - (d) Require planned unit developments for all projects in excess of five (5) acres.
 - (e) Require the first row of houses across the street from or backing up to a rural neighborhood to have a maximum density of four units per acre, be single story, have a lot width that is comparable to adjacent rural neighborhood lots, and have setbacks that meet or exceed RS-6 setbacks.
 - (f) Require maximum 8-foot-tall lampposts that are architecturally integrated with the design of the subdivision in the front yard of each home within 500 feet of a rural neighborhood per Public Works specifications.

- (g) Require developments abutting a rural neighborhood to maintain the same perimeter street sections, rural street lighting, and rural roadside trail provisions as those properties located in adjacent rural neighborhoods.
- (h) Require applicants to install landscaping within adjacent arterial street medians.
- (i) Homes should either face or back up to a rural neighborhood area to ensure a minimum separation of 25 feet.
- (j) If a natural or manmade barrier exists, such as a drainage channel, overhead transmission line, a minimum 8-foot-high block wall with landscaping or any topographical feature that prohibits vehicular and pedestrian access to an adjacent rural neighborhood, then the requirements of paragraph (e) above shall not apply.

H. **Industrial Design Standards.** In addition to the standards in HMC Subsection 19.10.2.C, Non-Residential Design Standards, the provisions of this subsection apply to all industrial structures in the IL and IP districts, unless otherwise provided by this Code.

1. ***Block Pattern.***

- a. Large buildings with multiple tenants must provide entries at multiple street frontages to improve the design flexibility and options for building location.
- b. On corner sites, buildings shall be located as near to the intersection as possible to enliven the streetscape and visual interest.

2. ***Building Orientation.***

- a. Buildings and open spaces must be clustered to create a campus-like setting to take advantage of shared amenities and oriented to maximize shade, solar energy, and natural heating/cooling.
- b. Employee office spaces or areas accessible to the public (e.g., showrooms, etc.) shall be located in the front of buildings with adjacent employee/visitor parking. All other site uses including loading docks and storage areas shall be located to the sides (excluding corner sides) or rear of buildings to limit visibility from streets.

3. ***Building Entrances.***

- a. Entry features must incorporate similar colors, materials, and/or textures which complement or provide an accent to those used in structures on the site in order to provide greater identity for the development.
- b. Buildings shall have clearly defined public and employee entrances that incorporate a combination of elements, such as canopies or porticos, overhangs, recesses/projections, arcades, arches, raised corniced parapets, peaked roof forms, entrances framed by enhanced landscaping, and/or enhanced pedestrian surfaces. This standard only applies to building that have public access.
- c. Building entrances shall be oriented toward transit opportunities, with minimum distances along sidewalks from stops/stations, for convenient building access for public transit access, as applicable and feasible.

- d. Building entrances and exits to and from parking and loading facilities must be clearly marked with appropriate directional signage where multiple access points are provided, consistent with HMC Chapter 19.13, Signs.
- 4. **Building Design.** Buildings over 100,000 square feet may be required to implement additional architectural emphasis on certain parts of the building, such as entries, corners, and/or showroom or office spaces in order to reduce the bulk of the structure. Box-like or single, monolithic forms that do not have variations in massing of facades are not allowed.
- 5. **Windows.**
 - a. Windows and doors with well-designed trim and details must be incorporated as character defining features to reflect an architectural style or theme consistent with other façade elements.
 - b. Window recesses must be provided to support façade articulation and provide surface relief, depth, and shadow. Window grids shall not be a “plant on.”
 - c. Plastic awnings are not allowed.
- 6. **Service Yards.**
 - a. Service yards should be easily accessible access for service vehicles and tenants. They should be located to minimize conflicts with other site uses and should not create a nuisance for adjacent properties. Service vehicle traffic should be separated from employee and visitor circulation.
 - b. Service yards, storage areas, and maintenance equipment should be enclosed and screened consistent with HMC Section 19.10.7, Screening Requirements.

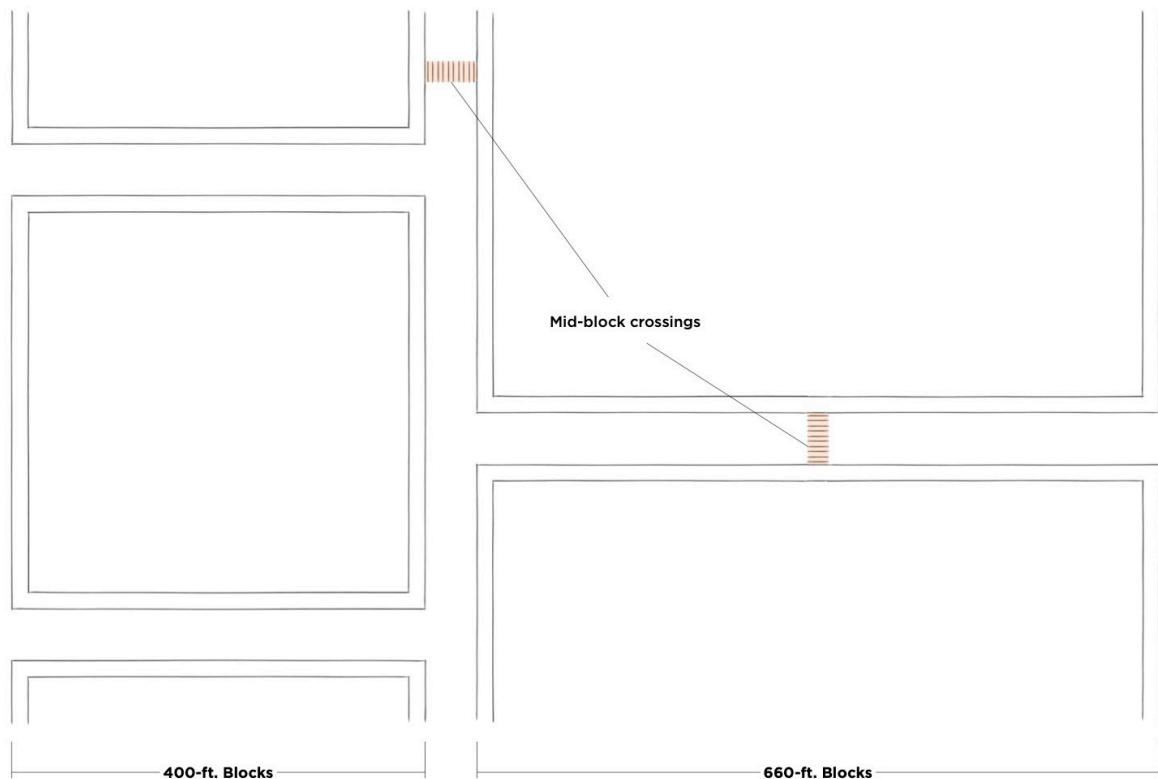
19.10.3 Circulation and Mobility

- A. **Purpose.** The purpose of this Section is to support the creation of a highly connected, compact, multi-modal transportation system within the City in order to provide alternatives for drivers, bicyclists, and pedestrians; promote walking, bicycling, and public transit opportunities; connect neighborhoods to each other and to local destinations, such as employment, schools, parks, and shopping centers; reduce vehicle miles traveled and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development; and free up arterial capacity to better serve regional long-distance travel needs. The standards in this Section are intended to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.
- B. **Circulation Plan.**
 - 1. **Applicability.** A Circulation Plan shall be prepared for all new development and redevelopment in the City. New detached and attached single-family residential uses with fewer than five dwellings, or projects proposed on parcels of one-half acre or less zoned nonresidential or mixed-use are exempt.
 - 2. **Components.** The Circulation Plan shall address street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, strategies for implementing “complete streets,” turning radii, traffic calming measures where future “cut-through” traffic is likely, and similar issues.
 - 3. **Exceptions.** The Director may waive the requirements for a Circulation Plan on a case-by-case basis in the event that a new development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This does not exempt development that

includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

4. **Submittal.** A Circulation Plan shall be submitted with a PUD, MP, tentative map, or application for zoning or design review, as appropriate.
- C. **Connectivity.** The Circulation Plan shall demonstrate a walkable block pattern and adequate street connectivity consistent with this Subsection. Developments in the H Overlay are exempt from this Subsection.
1. **Block Pattern.** The layout of a development shall be designed to reinforce a pattern of individuals blocks.
 - a. Blocks shall be designed as an extension of the surrounding neighborhood, aligning with and connecting adjacent streets and blocks.
 - b. On sites greater than 5 acres and/or where block consolidation is proposed (by right-of-way abandonment), development shall establish a regular pattern of blocks to the extent feasible to avoid creating especially large blocks that limit pedestrian and vehicular circulation. Maximum block lengths shall be limited to 400 feet by 400 feet, or 660 feet if a midblock crossing is provided. Blocks shall be measured from street edge to street edge, regardless of whether the street is public or private. See Figure 19.10.3-A, Block Pattern.

FIGURE 19.10.3-A, BLOCK PATTERN



2. **Internal Street.** The internal street layout of a development shall be designed through the use of the connectivity index consistent with Table 19.10.3-1, Minimum Connectivity Index Score. The connectivity index for a development shall be calculated by dividing its links by its nodes consistent with this Subsection. Nodes exist at street intersections and cul-de-sac heads within the development. Links are stretches of road that connect nodes. See Figure 19.10.3-B, Connectivity Index.

FIGURE 19.10.3-B, CONNECTIVITY INDEX

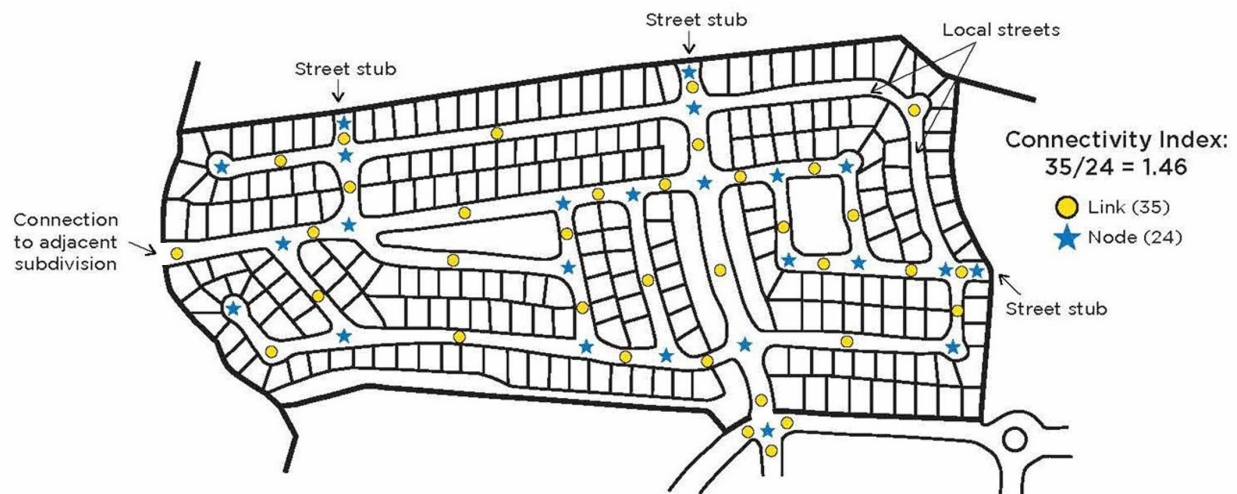


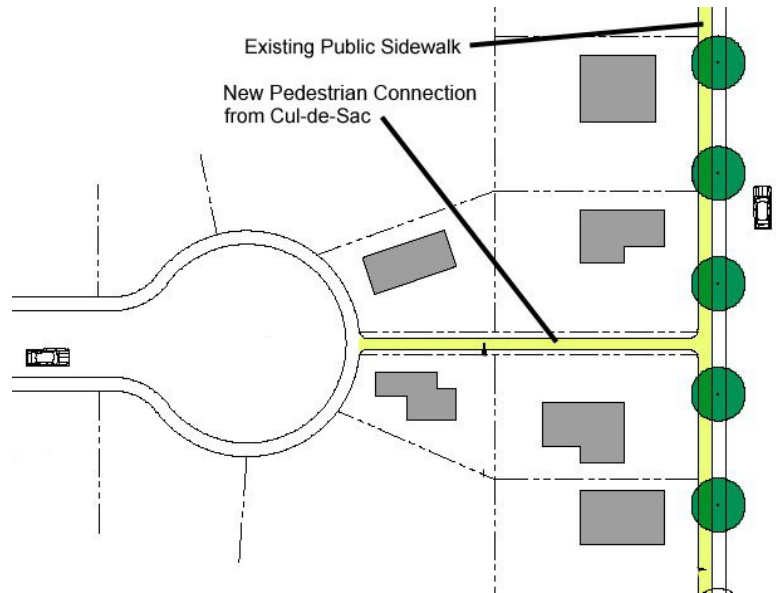
TABLE 19.10.3-1, MINIMUM CONNECTIVITY INDEX SCORE

Base Zoning District	Min. Index Score
RS-1, RS-2, RS-4, RS-6, RS-8, DH, RM-10, RM-16 ¹ , RMH	1.4
MC, MR, MN, PC	1.65
Note:	
¹ Applicable to single family detached and single family attached products only.	

- a. **Acceptable Links.** One link beyond every node that exists in the development and provides access to the street network or an existing temporary dead-end street (i.e., connecting to an existing development) shall be included in the index calculation.
- b. **Acceptable Half Links.** Pedestrian connection through a cul-de-sac and/or to a public sidewalk or trail corridor, or as determined by the Director.
- c. **Acceptable One-Fourth Links.** A roadway segment where dwelling units face amenitized open space, parks, or natural area.
- d. **Unacceptable Links.**
 - i. Temporary dead-end streets internal to a development and alleys are not considered links.
 - ii. Temporary dead-end streets connecting to a perimeter street are not considered links.

- e. Whenever cul-de-sacs are created, at least a 20-foot wide lighted pedestrian access easement shall be provided, to the maximum extent practical, between each cul-de-sac head or street turnaround and the sidewalk of the closest adjacent street or pedestrian pathway. See Figure 19.10.3-C, Pedestrian Accessways.

FIGURE 19.10.3-C, PEDESTRIAN ACCESSWAYS



- f. All stub streets and temporary dead-end streets greater than 150 feet in length shall be terminated in a cul-de-sac.
3. ***External Street Connectivity.***
 - a. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjacent areas where the adjacent area is undeveloped and intended for future development or it is developed and includes opportunities for connections. Traffic-calming measures (e.g., diverters, street gardens, or bulb-outs) shall be integrated into the development to mitigate the impact of potential cut-through traffic.
 - b. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, the H overlay, or other unique site conditions preventing a street connection in the opinion of the Director.
 - c. Residential streets affected by external street connectivity requirements may be considered for traffic calming treatments upon the recommendations of the Director and Public Works Director.
 - d. Street, sidewalk, bike path, and trail connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.
 - e. Pedestrian access from adjacent residential areas shall be provided to the greatest extent feasible.
 - f. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location to inform property owners of future connections as determined by the City.

- g. The Final Map and a disclosure for all residential dwellings shall identify all street stubs and include a notation that all street stubs are intended for connection with future streets on adjacent undeveloped property.

D. **Cross-Access Between Adjacent Uses.** To encourage shared parking and shared access points on public streets, circulation plans prepared for all new nonresidential and mixed-use development shall comply with the following standards:

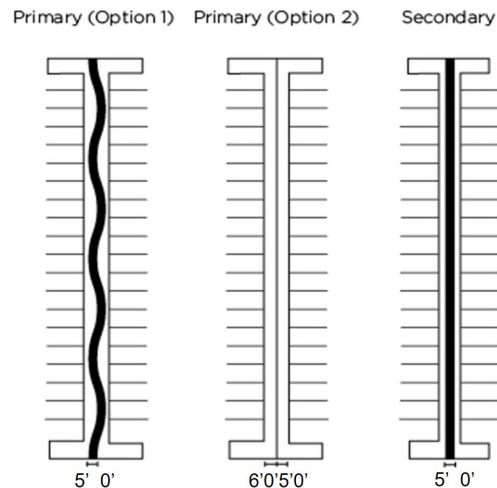
1. Internal vehicular circulation areas shall be designed to allow for cross-access with adjacent lots that have nonresidential or mixed uses.
2. A stub for future cross-access shall be provided from the vehicular use area to all adjacent vacant land designated for nonresidential or mixed-use development.
3. Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 24 feet or through two one-way aisles each with a minimum width of 12 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket.
4. When cross-access for vehicles is deemed impractical by the Director and the Director of Public Works on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if pedestrian connections are provided between adjacent developments or land uses, either at the street frontage or internal within the site.
5. A cross-access easement must be recorded prior to issuance of a building permit for the development, unless otherwise approved by the Director.
6. Pedestrian access from adjacent residential areas shall be provided by incorporating wall/gate and landscape openings which connect pedestrians to the adjacent commercial development. These openings can be locked assuming the residential development is provided access via keys or touchpad entry system.

E. **On-Site Pedestrian Circulation.** Pedestrian circulation shall be consistent with the standards in this Subsection. Pedestrian routes must be shown on a site plan submitted for design review. The Director may approve an alternative to these standards if special circumstances exist (e.g., steep-slope area). If a conflict exists between these standards and another pedestrian-oriented standard in this Code, the more restrictive standard applies.

1. ***General Pedestrian Walkway Standards for Nonresidential Development.*** Required pedestrian walkways must be consistent with the following standards. See Figure 19.10.3-D, Required Pedestrian Walkway Options.
 - a. Pedestrian walkways must be at least five feet in width.
 - b. Primary pedestrian walkways must include a minimum six-foot-wide continuous landscaped strip adjacent to the sidewalk. Planting quantities and layout shall be consistent with HMC Chapter 19.11, Landscaping Standards. A sidewalk may be placed between two landscape strips if at least one landscape strip is a minimum of six feet wide. A meandering pathway may be placed between two landscape strips, assuming the plants are planted on the larger of the two landscaped strips.
 - c. When crossing drive aisles, all walkways must be distinguishable from traffic lanes by painted marking, pavement material, texture, or raised in elevation.
 - d. Walkways must connect the development to any adjacent transit stop(s).

- e. Walkways must have adequate lighting consistent with HMC Section 19.10.8, Lighting and Glare Standards.
- f. Walkways must be centrally located on the site. If multiple walkways are required, they should be dispersed throughout the site.
- g. Walkways shall conform to the Americans with Disabilities Act (ADA) .
- h. Walkways may not include barriers that limit pedestrian access between the site and adjacent lots.
- i. Wheel stops are required adjacent to the walkway. Wheel stops may be staggered as long as each parking space has a portion of a wheel stop.

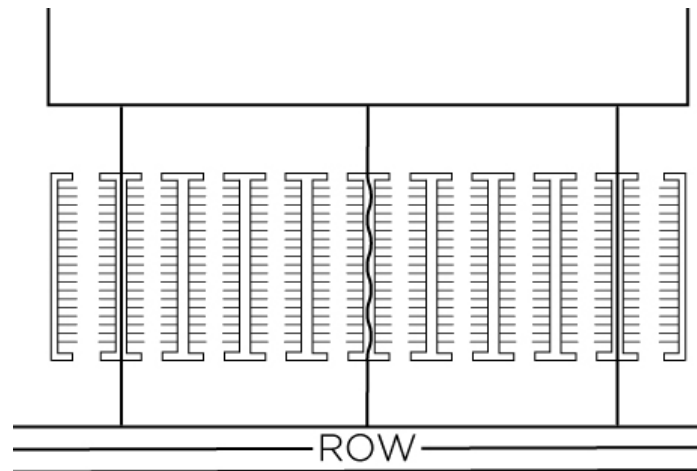
FIGURE 19.10.3-D, REQUIRED PEDESTRIAN WALKWAY OPTIONS



- 2. **Pedestrian Circulation.** Unless specified in another section of this Code, sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets, cul-de-sacs, and private streets), and within and along the frontage of all new development or redevelopment per the Master Transportation Plan or as approved by the Public Works Director.
- 3. **Drainage.** To the extent practical, drainage facilities and landscape planter should be similarly designed with pedestrian amenities on the same sites. Drainage facilities must be designed per Section 1500 (Structural Best Management Practices) of the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual.
- 4. **Parking Areas for Nonresidential Development.** Pedestrian circulation must be provided in all surface parking lots consistent with the following standards, except for vehicle/equipment storage lots, parking lots containing 20 or fewer off-street spaces, and non-residential developments with fewer than four rows of parking depth. See Figure 19.10.3-E, Pedestrian Access Through Parking Areas.
 - a. At least one primary continuous pedestrian landscaped walkway must be provided from the street, through the parking lot, to the primary building entrances (or to a sidewalk providing access to the primary building entrances). The walkway must be centrally located on the site.

- b. Secondary pedestrian walkways must be provided at an interval of every four driving aisles in coordination with the primary walkway. Secondary walkways must be located between abutting rows of parking spaces.

FIGURE 19.10.3-E, PEDESTRIAN ACCESS THROUGH PARKING AREAS



- 5. **Parking Garages.** Pedestrian walkways must be provided through parking garages from the parking area to the abutting public right-of-way and/or the primary entrance of the building served by the parking garage. Walkways may not use vehicle entrances or exit driveways from the parking area to a public right-of-way. Also see HMC Subsection 19.12.8.I, Parking Garages.
- 6. **Weather Protection.** Overhead weather protection and shade structures shall be provided consistent with HMC Subsection 19.12.8.I, Parking Garages.
- 7. **Response to the Climate.**
 - a. All development shall provide shaded walkways, as defined in this Code, along at least 50 percent of all building facades adjacent to or facing primary walkways leading to building entrances, pedestrian connectivity routes, and usable common open space.
 - b. On sites of 15 acres or more, shaded walkways shall constitute a minimum of 30 percent of the sidewalks within sites containing multiple buildings. Options include awnings, arcades, other similar structures, or shade trees planted at 30-foot intervals, unless a smaller interval is required to comply with other sections of this Code.
 - c. Buildings shall be oriented to minimize direct solar exposure on the primary building facade and areas of high pedestrian activity.
 - d. If subject to design review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the design review decision.

19.10.4 Affordable Housing Density Bonus

- A. **Intent.** The intent of this Subsection is to:
 - 1. Implement the goals and policies of the Housing and Community Development Strategy;

2. Increase housing diversity and affordability while preserving and enhancing the unique character of the City’s neighborhoods; and
 3. Decrease the housing deficit for households that cannot afford market-rate rental or for-sale housing products.
- B. **Applicability.** An increase in the maximum residential density is allowed for proposed developments in a multi-family or mixed-use zoning district. The approval may be granted administratively.
- C. **General Provisions.**
1. ***Density Bonus Incentives.*** As an incentive to provide affordable housing, an applicant may request a density or FAR bonus if the proposed development includes an affordable housing component and the amenities established in Table 19.10.4-1, Density Bonus Requirements, and the standards in this Subsection are met.

TABLE 19.10.4-1, DENSITY BONUS REQUIREMENTS

Density/FAR Bonus Allowed ¹	Number of Locational Amenities Required	Number of On-Site Amenities Required	CUP Required
0 – 20% / 0.25 FAR	None	None	No
21 – 35% / 0.5 FAR	5	3	No
36 – 50% / 0.75 FAR	7	5	Yes

Notes:

1 All units permitted by the density bonus or additional square footage permitted by the FAR bonus, must be affordable.

Example 1: if a base zoning district allows 16 du/ac., applicant may provide 4 bonus affordable units (25% bonus) if the 5 locational and 3 on-site amenity requirements are met.

Example 2: 32 proposed units x (2.0 proposed FAR – 1.75 base FAR / 2.0 proposed FAR) = 4 bonus affordable units.

2. ***Availability.*** All affordable housing units shall be made available concurrently with the market rate units for single-phase developments. For multi-phased developments, the Director may determine adequate availability of affordable housing units.
 3. ***Dispersion.*** On-site affordable units shall be reasonably dispersed throughout the development to avoid clustering of affordable units.
 4. ***Access.*** Occupants of affordable units shall have access to all on-site amenities available to market-rate units.
 5. ***Design Standards.*** Affordable housing exteriors shall be designed identically to market-rate units. Affordable units may have different interior finishes, features, and appliances as long as the affordable units are functionally equivalent to the market-rate units and the interior components are durable, good quality, and consistent with federal, State, and local standards for new housing.
- D. **Locational Amenities.** Consistent with the required locational amenities in Table 19.10.4-1, Density Bonus Requirements, projects requesting an increase in density must be located within a 1/4 mile walk, at the time of review, of the following:
1. Bus shelters/stops;
 2. Grocery stores;
 3. Daily-need retail uses;

4. Restaurants;
 5. Libraries;
 6. Movie theaters;
 7. Laundry services;
 8. Banks/credit unions;
 9. Medical offices;
 10. Professional offices;
 11. Hospitals;
 12. Lodging (hotel/motel);
 13. Recreational uses (bowling alleys, etc.);
 14. Fitness centers/athletic clubs;
 15. Public parks; or
 16. Other locational criteria as approved.
- E. **On-Site Amenities.** Consistent with the required criteria in Table 19.10.4-1, Density Bonus Requirements, projects requesting an increase in density must provide the following on-site amenities:
1. Fitness center/athletic club;
 2. Fitness instructions;
 3. Instructional classes;
 4. Pool;
 5. Bocce ball court;
 6. Shuffleboard;
 7. Media room/theater;
 8. Meeting room/business center;
 9. Provided transport to medical appointments, grocery stores, casinos, etc.;
 10. LEED certification;
 11. Courtyards with recreational amenities per the dimensional standards established in the given zoning district; or
 12. Other on-site amenities as approved.

19.10.5 Encroachments

- A. **Features Allowed Within Setbacks.** Trees, shrubs, flowers, hedges, and other landscape features may be located within any required setback, except within required sight visibility zones. Fencing and walls are allowed subject to HMC Section 19.10.6, Fences and Walls. Features listed in Table 19.10.5-1, Features Allowed Within Setbacks, are allowed to encroach into primary building setbacks consistent with the standards established in the Table. All features must comply with applicable Building Code

requirements. See Figure 19.10.5-A, Patio Encroachments, and Figure 19.10.5-B, Building Projections into Setbacks.

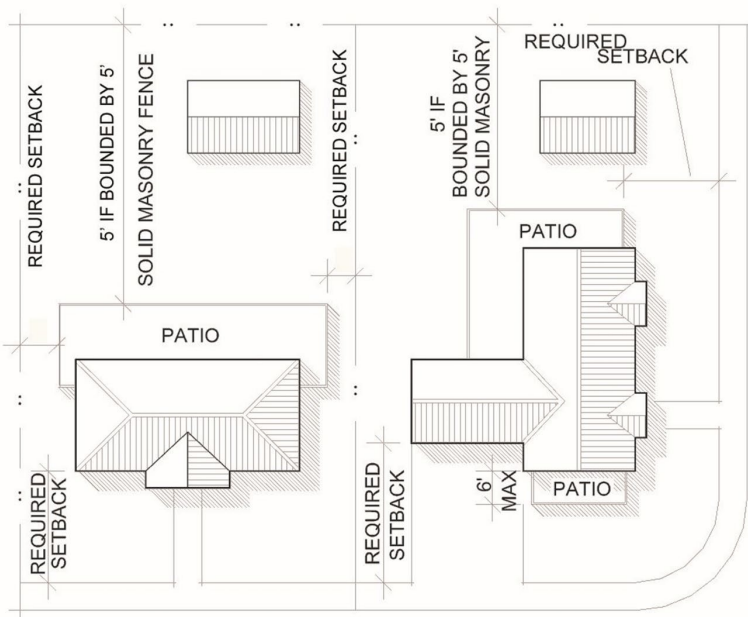
TABLE 19.10.5-1, FEATURES ALLOWED WITHIN SETBACKS

Allowed Feature	Standard	Additional Requirements
Antennas and Satellite Dishes (max. 3 ft. in height/diameter)	Allowed in rear and side setbacks	Antennas, satellite dishes, amateur licensed radio antennas, and similar personal communication device reception towers and facilities shall not be located in any required front area unless such prohibition would substantially interfere with reception of such devices or facilities to the extent they are rendered inoperable.
Attached Patio Covers, Pergolas, and Awnings	May not be located closer than 5 ft from rear and side property line	Must be measured from the bearing wall or post. Roof area encroaching into the rear setback may not exceed 1/3 of the area of the required rear yard, with the exception of townhouse or single-family attached developments, which may exceed 1/3 of the area of the rear yard. Eaves and overhangs may extend max. 1 ft into the setback.
Balconies, Porte Cocheres, and Covered Porches	Max. 6 ft into front or rear setback and 1 ft into side setback	Max. overhang is 1 ft.
Bay Windows that do not extend to the ground	Max. 2.5 ft into any setback	Max. window width is 8.5 ft. May not be located closer than 3 ft from a property line.
Attached Carports	May not be located closer than 5 ft from side property line	Must be measured from the bearing wall or post. May not be located within front setback. Eaves and overhangs may extend max. 1 ft into the side setback. Eaves and overhangs may extend max. 2.5 ft into the front or rear setback but shall maintain a min. 4 ft setback measured to the eave or overhang.
Media Niches and Fireplaces	Max. 2 ft into any setback	Max. 1 per wall. Max. 12 ft in linear dimension along the wall. Resulting setback must be min. 3 ft.
Cornices, Eaves, Mechanical Equipment, and Ornamental Features	Max. 3 ft into any setback or as allowed by the Building Official	
Signs	See HMC Chapter 19.13, Signs	
Steps or Stairs	Max. 3 ft into side setback and 6 ft into front or rear setback	
Uncovered Porches, Terraces, Platforms, Decks, Subterranean Garages, and Patios	May extend to the property line	When max. 1 ft in height above grade.
	Max. 3 ft into side setback and 6 ft into front or rear setback	When 1-2.5 ft in height above grade.
	No limitation	When max. 20 ft in height.

TABLE 19.10.5-1, FEATURES ALLOWED WITHIN SETBACKS

Allowed Feature	Standard	Additional Requirements
Lighting Fixture Poles and Flagpoles	CUP	When greater than 20 ft in height.

FIGURE 19.10.5-A, ENCROACHMENTS



B. **Public Rights-of-Way.** In the DP and Mixed Use Districts, the following features may be located within a public right-of-way, subject to an administratively issued revocable permit from the Public Works Director consistent with the following limitations.

1. Trees, shrubs, flowers, fences, retaining walls, hedges, and other landscape features.
2. Balconies, stairs, overhangs, and awnings provided a minimum vertical clearance of 80 inches from finished grade is maintained and they do not extend beyond the curb face of an adjacent street or alley.
3. Cornices, eaves, reveals, columns, ribs, pilasters, or other similar architectural features provided no architectural form is located within 10 vertical feet of finished or street grade.
4. Signs, in compliance with HMC Chapter 19.13, Signs.
5. Sidewalk cafes and associated furniture and amenities.
6. Sight visibility zones at intersections and driveways must comply with the Standard Drawings.

19.10.6 Fences and Walls

- A. **Applicability.** Fences and walls shall comply with the general standards in this Section, unless otherwise provided for in this Code or in conjunction with a Waiver or Variance.
- B. **All Zoning Districts.**
1. ***Sight Visibility Zones.*** In addition to the standards listed below for various zoning districts, sight visibility zones for street intersections shall be provided per the Standard Drawings. Sight visibility zones for driveways shall be provided per HMC Subsection 19.12.5.D, Driveways.
 2. ***Access Gates.*** Access gates shall be consistent with CPTED guidelines and approved by the Building & Fire Safety Division.
 3. ***Materials and Design.***
 - a. The style, color, and material of screen walls and fences should be compatible with the architectural style of primary structures on the site.
 - b. Chain-link, reflective, razor wire, barbed wire fencing, and smooth-face concrete masonry units (CMU) are prohibited, except as authorized for vacant property below or otherwise expressly permitted by this Code.
 - c. Plain gray or painted CMU is not allowed. Plain colored CMU may be used in conjunction with decorative (split face or other) CMU provided no more than 50 percent of the wall is comprised of plain colored block and no more than two courses at a time.
 - d. All perimeter retaining walls that are visible from public rights-of-way or open spaces/parks require caps; exposed tops of walls are not allowed. Solid CMU blocks may be used. “Slurry caps” are prohibited.
 4. ***Perimeter Walls.*** A consistent wall design is important to create a cohesive appearance. Standards below must be met unless specifically stated otherwise in this Code.
 - a. All walls visible from public spaces shall be decorative. Walls visible from public spaces shall be, at a minimum, integral color split-face block with a pre-cast concrete cap.
 - b. Maximum contiguous wall length that is generally parallel with the perimeter of the subdivision or development may not exceed 250 feet in length unless it complies with the subsection below:
 - i. If a wall exceeds 250 feet in length there must be variations in the wall design to break up the monotony of a long stretch of contiguous wall. City staff will have the final determination on what design variations are appropriate but the following are some examples of what would be acceptable:
 - (a) Placing a minimum 6 foot wide panel of an alternative material or design that protrudes at least 8” from the wall plane for every 120 feet in length;
 - (1) Examples of such alternative material or design include, but are not limited to, stucco, differentiating colors, steel paneling or another alternative as approved by the Director.
 - (2) For the sake of determining landscape buffers, the width shall be measured to the primary wall plane and not include the protrusions as encroaching into the setback.
 - (b) A horizontal offset of at least two feet (2’) is required every 120 feet to break up the linear appearance of the wall and allow for additional

landscape area for screening. The wall offset may occur with the same wall material, pilaster, or fin wall made up of complimentary materials;

- (c) The use of sixteen (16) inch by sixteen (16) inch decorative and capped columns every 120 feet.
 - (d) The use of combination masonry wall that includes wrought iron on the top half of the wall;
 - (e) A view fence made of wrought iron and pilasters;
 - (f) Any other design as approved by the Director.
- c. Developments along arterials and collectors utilizing any of the Neighborhood Design Options in HMC Section 19.10.2.B must provide one of the following perimeter wall options adjacent to the selected layout option, as applicable.
- i. No wall or fence
 - ii. A maximum six-foot tall wrought iron fence
 - iii. A combination masonry wall no more than six feet in total height with the top half being wrought iron.
 - iv. Solid block walls in these areas are prohibited.
5. ***Vacant Property.*** Vacant property may be fenced with chain-link fencing not to exceed six feet in height when the purpose of such fencing is to prevent unauthorized dumping or vehicular soil disturbance that results in fugitive dust or nuisance conditions. Such fencing of vacant property shall not be construed to allow use of the property for outdoor storage. A building permit for a chain-link fence shall be obtained from the Building & Fire Safety Division and shall be reviewed as necessary by the Public Works department prior to issuance to ensure that the fence does not create or intensify any drainage problems.

C. Residential Zoning Districts.

1. ***Height.*** The maximum height of a fence or wall is established in Table 19.10.6-1, Maximum Fence Height, except as otherwise permitted in this Code. All other entry features or designs must be approved through a design review or planned unit development. See Figure 19.10.6-A, Fences, and Figure 19.10.6-B, Residential Fences.

TABLE 19.10.6-1, MAXIMUM FENCE HEIGHT

Location	Max. Height
Within required side or rear setback	6 ft (8 ft if adjacent to nonresidential zoning)
Within required front setback	32 inches for masonry (4 ft for chain-link where permitted, combo block, or wrought-iron)
Entry gate (at a residential subdivision)	8 ft

FIGURE 19.10.6-A, FENCES

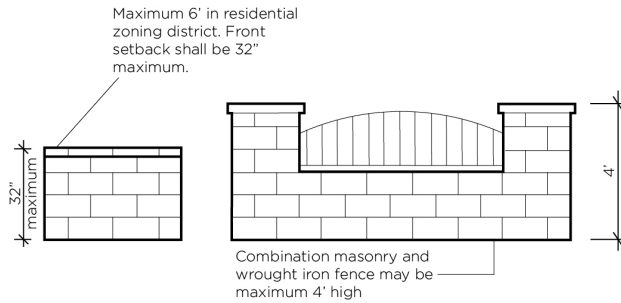
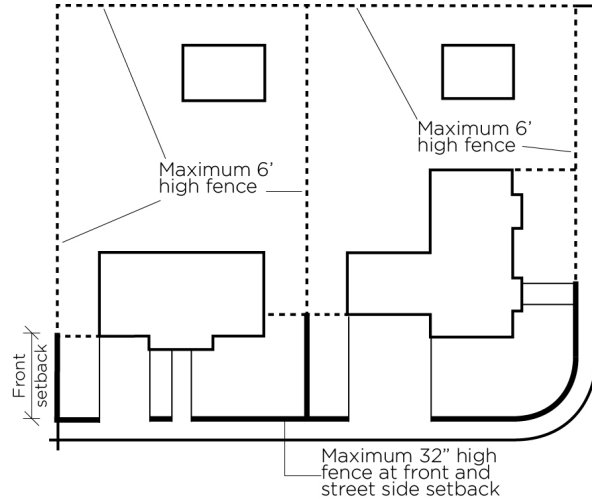


FIGURE 19.10.6-B, RESIDENTIAL FENCES



2. **Materials.** Notwithstanding the standards in Section 19.10.2.B.3 above, smooth-face concrete masonry units (CMU) are permitted in the RS-1-RN and RS-2-RN zoning districts and may be visible from rights-of-way or private streets, alleys, and drive aisles. Smooth-face CMU in all other residential zoning districts may be constructed as interior walls only and may not face rights-of-way, private streets, alleys, or drive aisles. Walls to be constructed in existing communities shall match other existing walls as closely as possible.
3. **Sports/Tennis Courts.** The following standards apply to all lots 10,000 square feet or larger in the single-family residential zoning districts.
 - a. Screening or fencing for sports/tennis courts is permitted in the rear or side yard area.
 - b. Screening or fencing for sport/tennis courts may be chain-link.
 - c. Structures or fences may exceed six feet in height to a maximum of 12 feet. The portion of the structure and/or fencing above the height of six feet shall be open so as not to restrict light or ventilation.
 - d. Structures and/or fencing shall be set back a minimum of five feet from the side and rear property lines.
4. **Multifamily Developments.** All perimeter fencing and walls within or around a multifamily development shall be designed to promote visual interest along streetscapes and within common open spaces, allow ease of access for pedestrians, and promote compatibility and connectivity with adjacent uses consistent with the standards in this Subsection.
 - a. **Height.** Perimeter fencing and walls shall be a maximum of six feet in height except for the following conditions:
 - i. Exceptions are necessary to meet sight visibility zone requirements per the Standard Drawings;
 - ii. Walls that are adjacent to areas occupied by or zoned for non-residential development shall be a maximum of eight feet in height; and

- iii. Walls that are adjacent to property occupied by or zoned for single-family residential units shall be a minimum of six feet and a maximum of eight feet in height.
 - b. **Materials.** Fencing and walls used anywhere in a multifamily development shall incorporate the use of durable, decorative materials such as split-face block, stucco finish, wrought iron pickets, and/or other materials of equivalent durability and visual interest, as approved by the Director.
 - 5. **Removal or Replacement.** Perimeter walls may only be removed or replaced consistent with the Property Maintenance Code HMC Section 15.12.030(E).
- D. **Non-Residential Zoning Districts.**
- 1. **Height.**
 - a. The maximum height of a fence or wall in a non-residential zoning district shall be eight feet, or up to 12 feet under certain circumstances where additional height is required to secure and/or screen storage areas.
 - b. Fencing and/or walls located within the front or corner side setback, or abutting open space, parks, and trails shall be a maximum of three feet in height, except where an increased height is necessary to meet screening requirements of this Code.
 - 2. **Materials and Design.**
 - a. Fences and walls in non-residential zoning districts shall be durable, opaque, and resistant to weathering and abuse.
 - b. Fences and walls shall be protected from vehicles by curbs.
 - c. Fences and walls shall not impair the visibility of drivers entering or exiting a project site or development.
 - 3. **Visual Interest.** Continuous lengths of blank walls or fencing without variation in material, color, and/or form are not allowed. To promote visual interest, varied design details shall be incorporated, including at least two of the following:
 - a. Structural pilasters, varied materials, columns, or other features that provide vertical relief;
 - b. Incorporation of a combination of solid and open materials; and/or
 - c. Offsets in the horizontal and/or vertical plane of the fence or wall at least every 50 ft.
 - d. Placing a minimum 6-foot-wide panel of an alternative material or design that protrudes at least 8" from the wall plane for every 120 feet in length;
 - i. Examples of such alternative material or design include, but are not limited to, stucco, differentiating colors, steel paneling or another alternative as approved by the Director.
 - e. For the sake of determining landscape buffers, the width shall be measured to the primary wall plane and not include the protrusions as encroaching into the setback.

19.10.7 Screening Requirements

A. Mechanical Equipment Screening.

1. ***Applicability.*** This Section applies to the following:
 - a. Electrical and gas-powered mechanical equipment.
 - b. Ductwork and major plumbing lines used to heat, cool, or ventilate.
 - c. Power systems for the building or site upon which the equipment is located.
 - d. Roof and/or wall-mounted antennas and vent openings are not considered mechanical equipment for purposes of this Section. This Section is not intended to impede systems that use solar or wind energy to reduce the costs of energy, if such systems are otherwise in compliance with this Code and the Building Code.
2. ***Screening Standards.*** For all developments other than single-family residential, the following mechanical equipment screening standards apply to the maximum practical extent. All mechanical equipment facilities must meet the residential adjacency standards included in the Zoning Districts and not be a nuisance for adjacent properties.
 - a. ***Roof-Mounted Mechanical Equipment.*** Mechanical equipment should not be located on the roof of a structure unless the equipment can be hidden by elements that are integrated into the building design. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened. Roof-mounted mechanical equipment is prohibited on single-family residential units.
 - i. If no end user has been established at the time of Design Review, the applicant must demonstrate that the roof structure and parapet will accommodate and screen standard equipment sizes commensurate to the building size and use.
 - ii. Roof top access ladders shall be screened from view by the public.
 - b. ***Wall-Mounted Mechanical Equipment.*** Wall-mounted mechanical equipment that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the building.
 - c. ***Ground-Mounted Mechanical Equipment.*** Ground-mounted mechanical equipment is appropriate when the equipment cannot be placed on the roof. It shall be screened from view by landscaping equal to half the height of mechanical equipment when planted and equal to height of equipment at maturity or by a decorative wall that is compatible with the architecture and landscaping of the site. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened.
3. ***Alternate Screening.*** Mechanical equipment that is not screened in full compliance with this Section shall be reviewed consistent with the design review procedures of HMC Chapter 19.24, Design Review. Alternate screening methods may include increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment. Alternate screening methods may be provided if sufficient

justification is given based on site constraints or other unavoidable hardships, subject to approval by the Director.

- B. **Dumpster Screening.** Trash dumpsters and other waste/recycling containers serving multifamily or nonresidential uses shall be screened consistent with the following standards.

1. ***Design and Other Specifications.***

- a. Dumpsters or other trash receptacles shall be screened from public view on three sides by a solid decorative wall at least six feet in height and on the fourth side by a solid opaque gate at least five feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The gate and wall shall be architecturally compatible with other buildings and structures on the site. The bottom of trash enclosure gates shall be a minimum of six inches from the ground and a maximum of eight inches above the ground.
- b. If the associated building is two stories or more in height, the dumpster or trash receptacle shall have a roof structure that fully encloses the area.
- c. Sufficient areas for recycling facilities should be provided within trash enclosures. Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to appearance, quantity, interior dimensions, locations, and access.

2. ***Setbacks.*** All enclosures shall be located a minimum of 50 feet from residential zoning districts and from the property lines of sites containing existing or proposed residential, school, licensed day care, and park and recreation facilities, except in downtown zoning districts.

3. ***Location.*** No dumpsters or other trash enclosures shall be located within a parking structure.

- C. **Parking Lot Screening.** All surface parking lots visible from the public realm shall be screened using one or more of the following methods, unless otherwise noted below:

1. ***Methods.***

- a. A low masonry wall at least three feet and no more than four feet in height (with any fencing over three feet being transparent; e.g., wrought iron), in combination with landscaping.
- b. An ornamental metal fence in combination with landscaping.
- c. A combination of evergreen and deciduous shrubs spaced no more than three feet apart planted in an area at least five feet wide, with a height met at installation.
- d. Berming of the grade to at least 2.5 feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center.
- e. Any other element(s) that meets the intent, as approved by the Director.

2. ***Criteria.*** To satisfy the above standards:

- a. Landscaping at least three feet in height shall be planted between the wall/fence and the public right-of-way, sidewalk, or boundary.
- b. Walls, fences, and landscaping shall not exceed four feet in height to adequately screen most car headlights while maintaining clear visibility into and out of the parking lot.

- c. All parking lot screening devices shall comply with sight-visibility-zone requirements at street intersections, per the Standard Drawings. Sight visibility zones for driveways shall be provided per HMC Section 19.12.5.D, Driveways.
- D. **Loading and Access Areas-Design and Screening.** In nonresidential and mixed-use zoning districts, commercial and industrial buildings with rear or side vehicular access shall maintain adequate room for loading docks, loading spaces, customer drop-off and pick-up areas, trash enclosures (and their setbacks), vaults, transformer pads, other utility service boxes, and all ground-mounted mechanical equipment as needed. Beyond the physical boundaries of the docks and other such adjacent circulation impediments, property owners shall provide and maintain a minimum setback of 34 feet from all property lines. Within this setback, the 24 feet closest to the building and its adjacent circulation impediments shall remain clear at all times, and the 10 feet nearest the property line shall be available for vaults, transformer pads, and other above- and below-ground utility service boxes. Areas within 10 feet of property lines that are not used for utility boxes shall be landscaped with minimum 24-inch box pine trees, planted 15 feet on center. Alternate plant materials may be approved by the Director provided the alternate materials result in equivalent immediate and long-term screening.

19.10.8 Lighting and Glare Standards

- A. **Purpose and Applicability.** This Section establishes lighting, illumination, and glare standards that apply to all development, including public-owned facilities (e.g., parks).
- B. **Use of Reflective Glass.** Mirrors or highly reflective glass shall not cover more than 20 percent of a building surface visible from a street unless an applicant submits information demonstrating, to the satisfaction of the Director, that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.
- C. **Outdoor Lighting.**
 - 1. **General.**
 - a. Illumination of outdoor lighting shall not exceed 0.50 foot-candles or 3000K (for LED lights) at the property line if the site abuts a residential zoning district or land use.
 - b. All exterior light shall be directed downward and away from adjoining property and shall be fully shielded to prevent unnecessary glare. Lighting shall be shielded such that the lamp itself or the lamp image is not visible from outside the property perimeter. Light standards and shields shall be shown at the time of building permit review.
 - 2. **Sports/Tennis Courts.** Any lighting of sport/tennis courts in single-family residential zoning districts shall not exceed 20 feet in height and shall be shielded to prevent light spillage off-site.
 - 3. **Non-Residential Zoning Districts.** Light fixtures in all non-residential zoning districts must comply with the standards in this Subsection.
 - a. **Design Standards.**
 - i. Building-mounted light fixtures must be attached to building walls, and the top of the fixture must be at least 10 feet above finished grade, unless otherwise approved by the Director, except entry/exit lighting that may be positioned directly above the entry/exit.
 - ii. Freestanding and building-mounted light fixtures shall not exceed 20 feet in height within 50 feet of any residential zoning district, 25 feet in height within 50 to 150 feet of any residential zoning district, and 35 feet in all other

locations. For the purpose of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at or the base of the support for that a freestanding light fixture.

- iii. Outdoor lighting for court or field games exceeding 50 feet in height and within 300 feet of a residential zoning district require a CUP.
- iv. The property owner is responsible for meeting minimum CPTED standards in providing illumination for all parking areas and walkways. Transitional lighting shall be provided for recreation/office buildings, swimming pools, laundry and mailrooms, ramadas, covered breezeways, and similar areas.
- v. Trees and shrubs shall not interfere with the distribution of lighting.
- vi. All exterior fixtures shall be illuminated from dusk until dawn per CPTED standards, unless otherwise designated.
- vii. Details of exterior lighting shall be provided on the required landscape site plan. Photometric calculations shall be detailed on an exterior lighting plan unless waived. Photometric calculations shall be based on the mean light output per the manufacturer's values of the specified lamp and luminaire photometry data formatted on an Illumination Engineering Society (IES) file completed by an approved testing laboratory. The details provided for exterior lighting shall include point-to-point photometric calculations at horizontal distances of not more than 10 feet at ground level and may also be required at six feet above ground level, depending on the applicable risk factors.
- viii. Any exterior lighting device (luminaire) designed for security lighting must include a weather- and vandal-resistant cover that is directed down and fully shielded to minimize glare and intrusiveness.
- ix. LED lighting with CRI (Color Rendition Index) of 90 or higher, and low-pressure sodium vapor lighting is allowed, unless otherwise approved by the Director.

b. *Illumination Standards.*

- i. All minimum illumination standards listed in Table 19.10.8-1, Minimum Lighting Levels, shall be maintained from ground level or a height of six feet. The minimum-to-maximum uniformity ratio may range up to 6:1 in acceptable layouts.
- ii. The lighting levels specified are the minimum levels that are typically acceptable to meet the requirements of this Subsection. In some circumstances, customer convenience, closed-circuit surveillance, and customer attraction may require a higher level of lighting. In addition, other factors particular to a certain geographic area may require a higher level of lighting than listed in Table 19.10.8-1, Minimum Lighting Levels.
- iii. Proposed exterior plans shall meet the minimum levels of lighting listed in Table 19.10.8-1, Minimum Lighting Levels. For uses not listed in the Table, City CPTED certified personnel shall be consulted for lighting standards. Lighting in multi-level parking structures shall be evaluated on a case-by-case basis to minimize unnecessary glare to adjacent or nearby residential areas.

- iv. All foot candles listed in Table 19.10.8-1, Minimum Lighting Levels, shall be based on minimum maintainable foot candles (MMFC).

TABLE 19.10.8-1, MINIMUM LIGHTING LEVELS

Risk Level	Use
High-Risk Activity (4-5 FC)	ATM
	Pay phones
	Gate community entries
	Pedestrian tunnels and covered pedestrian walkways (breezeways)
	All exterior entrances
	Convenience stores/service stations
	Covered parking (except parking structures)
	Gaming facilities/casinos/taverns
	Multifamily community laundry facilities
	Multifamily pool facilities (10 FC all hours of darkness)
Medium-High-Risk Activity (3-4 FC)	Fast-food
	Pharmacies
	Landing docks/areas
	Grocery stores/retail stores (24-hour, immediate parking area)
	Liquor stores
	Parking Structures (10 FC daytime) (parking garages, multi-level)
Medium-Risk Activity (2-3 FC)	Commercial recreation and entertainment
	Retail stores
	Medical and business professional offices
	Financial institutions
	Eating and drinking establishments
	Visitor accommodations
	Hospitals
	Enclosed stairwells
Medium-Low-Risk Activity (1-2 FC)	Multifamily housing
	Industrial (night use)
	Schools, public or private
	Religious assembly
	Warehousing and/or storage yards (night use)
	All other uses
Low-Risk Activity (0.50-1 FC)	Trails and pathways ¹
	Vehicle/equipment sales, auctions, and rentals (after hours)

TABLE 19.10.8-1, MINIMUM LIGHTING LEVELS

Risk Level	Use
	Industrial (day use)
	Mini-storage
	Multifamily walkways and cluster mailboxes

Key/Note:

FC = foot candle

1 Trails and pathways may use Average Maintainable Foot Candles (AMFC)

D. Accent Lighting.

1. ***Building Mounted Accent Lighting.*** Accent lighting which is attached to building façades, structures, or other architectural elements may be allowed. All non-cutoff luminaires shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be allowed provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.
2. ***Ground Mounted Accent Lighting.***
 - a. Ground mounted accent lighting for buildings shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs, or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed so they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
 - b. Accent lighting onto landscaping and foliage may be allowed. All luminaires shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed so they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
3. ***Neon and Light Emitting Diode (LED).***
 - a. Neon or LED accent lighting shall only be used to accent architectural elements of nonresidential structures and shall not be installed around windows or storefronts.
 - b. Neon or LED lighting shall be mounted or affixed to the structure so the material behind the lamp or tubing is non-reflective.
 - c. Neon or LED lighting shall be designed, installed, located, and maintained so no exposed lamp is visible beyond the boundaries of the fixture owner's property.
 - d. Neon or LED used in signs shall be regulated consistent with HMC Chapter 19.13, Signs.

- e. Neon or LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed 75 percent of the entire building façade length.
 - f. Neon or LED accent lighting shall be “steady on” and shall not be animated, blink, strobe, chase, flash, or otherwise vary in color or intensity.
- 4. **Pole Mounted Accent Lighting.** Pole mounted accent lighting for a building is not allowed.
- E. **Industrial Operations.** Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.
- F. **Solar Panels.** Glare from solar panels standards shall be provided per HMC Section 19.9.3, Solar Collection Systems.

19.10.9 Local Improvement Districts

- A. A property within a City local improvement district shall not receive zoning or land use entitlements, building permits, or any permit for development, nor shall any land division be approved for such property, if any part of such property has been marked delinquent on the local improvement district’s assessment roll in compliance with NRS 271.545.
- B. Before a land division is approved, a property owner may be required to pay one future assessment installment prior to recordation.

19.10.10 Open Space

- A. **Purpose.** The purpose of this Section is to promote the City’s goal of providing every resident the availability to access useable open space within a 10-minute walk.
- B. **Applicability.** Where required, open space shall be provided as private or useable open space in accordance with the following standards. This Section does not include provisions for park space credit. Natural turf is not an allowable plant material within public or private common open space, unless it meets the definition of functional turf per HMC Chapter 19.37, Definitions of Terms.
- C. **Configuration.** Required open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more such areas.
- D. **Residential Open Space.** Residential open space shall be provided as private open space and useable open space.
 - 1. **Amount of Open Space Required.**
 - a. **Private Open Space.** Each dwelling must provide a yard, deck, patio, balcony, covered porch, courtyard, or rooftop area as private open space. One of the following must be provided:
 - i. Private open space located on the ground level (e.g., yards, decks, patios, covered porches, and courtyards) shall be a minimum of 100 square feet and have no horizontal dimension less than six (6) feet within each lot, or;
 - ii. Private open space located above ground level (e.g., balconies and rooftop decks) shall be a minimum of four (4) feet deep by six (6) feet wide (depth is measured perpendicular to the building plane).
 - b. **Useable Open Space.** Development subject to this section shall set aside at least the minimum amounts of open space required:

- i. Per Table 19.2.2-1, RS-8, RM-10, and RMH to provide 500 square feet per unit.
- ii. Per Table 19.2.2-1, RM-16 and all RH districts shall provide 300 square feet per unit.

2. ***Type of Open Space.***

- a. Private open space typically consists of balconies, decks, patios, fenced yards, courtyards, and other similar areas outside the residence.
 - i. Private open space is only required for single family attached and detached residential developments.
- b. Useable open space can be provided as a Neighborhood Park or a Neighborhood Paseo. Useable open space should be used to enhance the value and amenity of the surrounding development. See Figure 19.10.10-A, Useable Open Space. Remnant lots not large enough for a dwelling unit, inaccessible, or non-useable open space, and perimeter landscape areas will not qualify as useable open space. See Figure 19.10.10-B, Non-useable Open Space. See Section 19.10.10.D.7, Alternative Useable Open Space Standards for exceptions for pedestrian trail connections as useable open space.

FIGURE 19.10.10-A, USEABLE OPEN SPACE

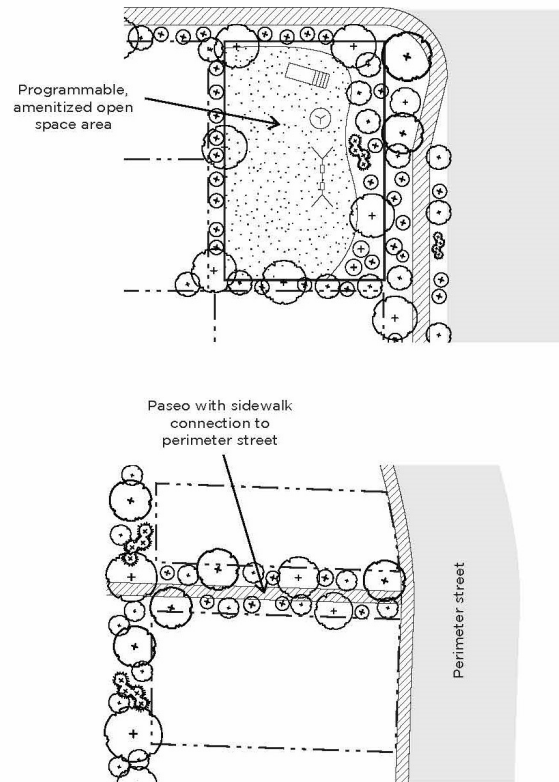
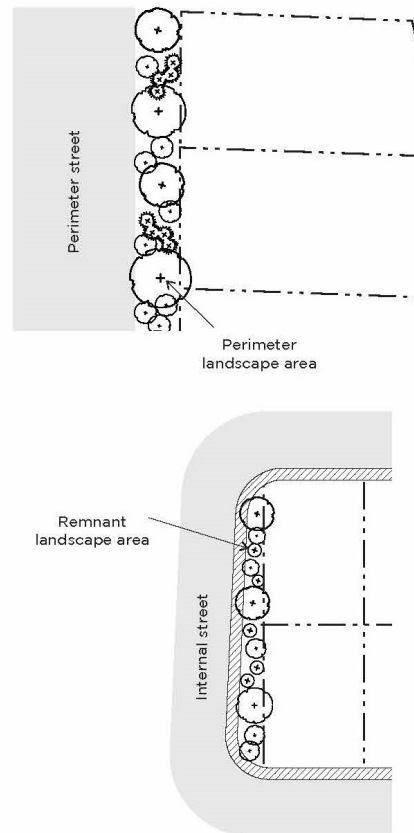


FIGURE 19.10.10-B, NON-USEABLE OPEN SPACE



- i. *Neighborhood Parks* typically consist of swimming pools, barbeque areas, tennis courts, playgrounds, roof terraces, community gardens, dog parks, or other such improvements as are appropriate to enhance the outdoor environment, recreational enjoyment of the development, and as approved by the Director.
 - (a) An open space area will only be counted as a Neighborhood Park if it is amenitized by providing a combination of the amenities above. Open Space areas without such amenities, or those that do not meet the minimum dimensional standards below, will not be counted towards this requirement.
 - (1) All plans showing useable open space must include specific amenities. It is at the discretion of the Director to determine if the amenities meet the intent of Code.
 - (2) Any changes to the amenities shown on the plans after approval of the project must be approved by staff and revised plans must be provided.

- (3) If the Director is not satisfied with the updated amenities, staff may require an amended Design Review.
 - ii. Neighborhood Paseos consist of pedestrian pathway amenities, seating and landscaping areas that create internal community connections to sidewalks or trails located adjacent to the subdivision and/or to interior Neighborhood Parks or City parks.
 - (a) For the sake of these standards, “Neighborhood Paseos” are pedestrian pathway amenities provided in the interior of a subdivision.
 - (b) Neighborhood Paseos shall provide enough space to include a minimum of a sidewalk, seating, and planting areas.
 - (c) A minimum five foot sidewalk shall be provided.
 - (d) Pedestrian lighting is required for safety.
 - (e) Gating of the Neighborhood Paseo is only permitted if the community is also gated.
 - (1) Within a gated community, gates may only be located at exterior roadways, streets, and/or trails. No internal gates permitted.

3. ***Minimum Useable Open Space Dimensions.***

- a. *Useable Open Space.* Table 19.2.2-1 quantifies the amount of useable open space for single family and multifamily residential units.
 - i. Neighborhood Park
 - (a) Neighborhood Parks shall provide:
 - (1) A minimum of 10,000 square feet; and
 - (2) A minimum dimension of 70 feet.
 - (3) An alternative dimension, based on unique site geometry, may be considered assuming the Neighborhood Park meets the intent of these standards and is thoughtfully incorporated into the community design as approved by the Director.
 - (4) Smaller subdivisions that do not require a minimum of 10,000 square feet of useable open space may propose alternative designs that meet the intent of these standards.
 - (b) Neighborhood Parks shall connect within the neighborhood at a minimum of two locations.
 - (c) Neighborhood Parks may be located in multiple locations within the subdivision, assuming the total area of the combined locations meet the required amount. When using this option, minimum widths established above must be met in all Neighborhood Parks being proposed.

- ii. Neighborhood Paseo
 - (a) Neighborhood Paseos must have a minimum width of 30 feet.
 - (b) Maximum length of a Neighborhood Paseo is 350 feet, unless interrupted by a street or additional pedestrian connection.
 - iii. A combination of Neighborhood Park and Neighborhood Paseos can be utilized in a single development assuming all the area and dimensional standards in this subsection are met.
- 4. **Usability.** A surface paved or unpaved, with a maximum slope of 10 percent, shall be provided that allows convenient use for outdoor living and/or active recreation. Shade elements, including but not limited to pergolas, arcades, and large shade trees shall be incorporated into the design of common open space.
- 5. **Location.**
 - a. No portion of required open space shall be used for driveways of off-street parking and loading facilities or as access to more than one dwelling unit.
 - b. Open space may be located on the roof of buildings or parking facilities.
 - c. Open space may be located in a public access easement.
 - d. No dog parks or trash receptacles shall be permitted within 30 feet of the property line of any existing single-family detached or attached dwelling unit. Proposed dog parks and trash receptacles shall be shown as an exhibit on the landscape plans.
- 6. **Accessibility.**
 - a. ***Private Open Space.*** The space shall be accessible to only one living unit.
 - b. ***Useable Open Space.***
 - i. All routes to the useable open space areas from dwellings within the development shall provide safe, convenient access for bicycles and pedestrians along the network of streets, trails, and sidewalks.
 - ii. Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall be located to adjoin, extend, and enlarge the existing trail, park, or other open area to the maximum extent practical.
- 7. **Alternative Useable Open Space Standards.** To provide flexibility in the design of a community and account for nearby amenities, staff will permit the following alternative to count towards the required useable open space requirements:
 - a. ***Trails.*** Trails are pedestrian pathway amenities provided at the exterior of a development and are defined in the City's Parks Master Plan. Trails may only be counted as useable open space if the following is met:
 - i. There must be a pedestrian trail connection into the subdivision every 300 linear feet of trail. A pedestrian entrance located adjacent to a vehicular entrance counts towards this requirement. This pedestrian connection may or may not be gated.

- ii. The pedestrian trail connection must have a minimum width of 20 feet including a minimum 5-foot wide sidewalk.
 - iii. The trail must meet all Master Transportation Plan and Parks and Recreation design requirements regarding width, waste receptacles, benches, and other amenities as required.
 - b. The alternative useable open space, as listed above, may only count towards 25% of the useable open space required for the development.
- E. **Commercial and Mixed-Use Open Space.** Developments in all commercial and mixed-use zoning districts that include 50,000 square feet or more of nonresidential gross floor area on sites one acre or more in size shall provide common useable open space (e.g., plazas, courtyards, etc.) according to the following standards.
 - 1. **Minimum Area.** A minimum of 40 square feet for every 1,000 square feet of nonresidential floor area for the first 100,000 square feet of floor area, plus 20 square feet for every 1,000 square feet of nonresidential floor area over 100,000 square feet shall be provided.
 - 2. **Minimum Useable Open Space Dimensions and Size.** Common useable open space shall have no horizontal dimension less than 20 feet and shall not be less than 1,000 square feet in size.
 - 3. **Usability.** A surface shall be provided that allows convenient use for recreation, and public gathering. Such surface may be any practical combination of high-quality plant and hardscape materials such as bricks, stone, concrete, permeable paving, or tile. The maximum slope shall not exceed 10 percent. Seating areas and plazas should be located in areas with sun and wind protection.
 - 4. **Accessibility.** Common useable open space shall be visible from a public street and from on-site areas normally frequented by users of the development. Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall be located to adjoin, extend, and enlarge the existing trail, park, or other open area to the maximum extent practical.
 - 5. **Amenities.** Common useable open space shall include seating and other amenities that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, public art, trash receptacles, information kiosks, and/or performance areas.
- F. **Industrial Open Space.** Developments in the IL and IP zoning districts shall provide open space consist with the standards in this Subsection.
 - 1. **Requirements.** 10 percent of a site must be dedicated to outdoor open space. 20 percent of the required outdoor open space must be dedicated to active recreational uses (e.g., fitness areas, playgrounds, etc.).
 - 2. **Accessibility.** Open space shall be easily accessible with enhanced landscaping and access to natural area, if applicable.
 - 3. **Plazas and Courtyards.** Open spaces for gathering (e.g., plazas, courtyards, etc.) are required consistent with the following standards. Plazas and courtyards shall:
 - a. Include amenities to promote safe human interaction, including shaded seating areas, lighting, and direct access from buildings, as well as furnishings (e.g., bollards,

decorative trash receptacles, alternative seating options), as approved by the review authority.

- b. Minimize the amount of hard pavement which retains heat.
- c. Provide filtered shade by means of deciduous trees, lattices, or pergolas, and/or continuous shade by means of arcades, canopies, and awnings adjacent to buildings.
- d. Not include water features or turf.

4. ***Pathways and Trails.***

- a. Soft paths and trails shall be at least four feet wide and either made up of stabilized decomposed granite as the path or trail base, or be paved with safe, non-skid decorative paving (e.g., tile, exposed aggregate concrete, brick/cobblestone).
- b. Lighting shall be provided by bollard or overhead lighting consistent with HMC Section 19.10.8, Lighting and Glare Standards.
- c. Pedestrian safety measures shall be incorporated (e.g., callboxes, signage, changes in paving etc.).

G. **Provision in Multi-Phase Developments.**

- 1. Development proposed in phases shall be considered as a single development for the purposes of applying the open space requirements.
- 2. Development shall not be phased to avoid the minimum required open space.
- 3. Open space must be proportionate to phasing of development and approved through an open space phasing plan.

H. **Ownership.**

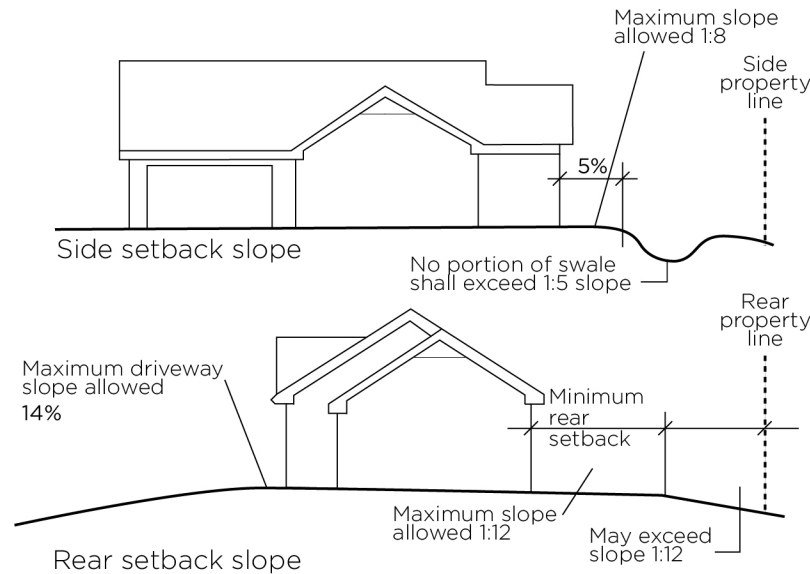
- 1. ***Method of Ownership.*** Common open space areas, which may include walkways with public access easements, shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency. All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable.
- 2. ***Declaration of Covenants and Restrictions.*** If common open space is to be deeded to a property owner's association, then the applicant shall record a declaration of covenants and restrictions that shall:
 - a. Govern the use of the common open space;
 - b. Run with the land in perpetuity; and
 - c. Provide for a lien on the property to secure collections of assessments levied by the association.
- 3. ***Private Ownership.*** If common open space is to be privately owned, then it shall have deed restrictions that:
 - a. Provide that the common open space shall be maintained and preserved as open space and shall not be used for yards, lawns, or buildings;
 - b. Run with the land in perpetuity; and

- c. Indicate that the City and owners of land in the development have a right to enforce the deed restrictions.
4. ***Maintenance of Common Open Space.*** Common open space areas, which may include walkways with public access easements, shall be maintained per approved plans (i.e. civil plans or landscape plans). In the event that common open space areas are not maintained in reasonable order and condition in accordance with the approved site plan, then the City may serve written notice of the deficiencies upon the association or the owners or residents of the development. If the deficiencies cited by the City have not been corrected within 30 days after written notice, then the department shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the common open space. The entire cost of correction shall be a lien upon each of the properties from the date that the lien is filed in the County Recorder's office.
5. ***Management of Common Open Space in Planned Developments.*** In addition to the standards of this section, management of open space in a planned development shall be subject to NRS 278A.130 to 278A.190, inclusive.

19.10.11 Slopes and Grading

- A. Unless otherwise approved by the Director or specified in the HMC, on RS zoned lots less than 12,000 square feet in area, the requirements in this Subsection apply.
 1. The slope of the first 15 feet of the rear yard area or rear yard required by the underlying zoning district shall not exceed one foot of vertical change per 12 feet of horizontal run, measured from the house outward. Retaining walls may be used to create terracing; however, terraced portions may not exceed the specified 1:12 slope. If the total rear yard area is greater in horizontal dimension than the minimum required zoning setback, the remainder of the yard area beyond the minimum required setback may exceed the 1:12 slope. See Figure 19.10.11-A, Slopes and Grading.

FIGURE 19.10.11-A, SLOPES AND GRADING



2. The slope of the first five feet of side yard area or any side yard required by the underlying zoning district, whichever is smaller, shall not exceed one foot of vertical change per eight feet of horizontal run, measured from the dwelling outward. A swale may lie within this area; however, in no instance shall either side of the swale exceed a slope of one foot vertical per five feet of horizontal change.
- B. Unless otherwise approved by the Director or unless otherwise specified in the HMC, no driveway or parking space intended to satisfy the off-street parking requirements of this Code shall exceed 14 percent.
 - C. Applications for any residential PUD or tentative map within the City may be subject to additional exhibits being required as part of the application process. Such exhibits shall clearly demonstrate the resulting grade elevation differentials that would result between neighboring properties and the subject property of such application(s). The City will consider the impact of the proposed grade elevation differentials on adjacent property and, if significant negative impacts are found, will recommend that the proposed grades be modified or that the negative impacts be mitigated.
 - D. In residential districts where lots are created by parcel map(s) or by any process other than the tentative map/final map process, the import of fill shall not result in the maximum finished floor elevation for individual lots being greater than two feet above the minimum elevation otherwise required by the applicable standards found in the Regional Flood Control District's "Hydrologic Criteria and Drainage Design Manual." Exceptions to this standard may be approved by the procedures set forth in HMC Chapter 19.24, Design Review.

19.10.12 Sustainability

- A. **Purpose.** This Section is intended to promote sustainable development within the City by creating incentives for compact, mixed-use development patterns; encouraging solar and other alternative energy sources; promoting alternative means of transportation like bicycling and walking that can improve community health while helping reduce air pollution; protecting trees that absorb greenhouse gases and reduce storm water runoff and pollutants; and, encouraging water-efficient landscaping and protecting water resources.

- B. **Applicability.** This Section sets forth a range of site and building design options for sustainability to enhance other mandatory sustainability-related requirements integrated throughout this Code. For each development, applicants shall select a sufficient number of sustainable site and building design options from Table 19.10.12-1, Site and Building Design Options for Sustainability, below to achieve the minimum number of points outlined for that type of development. Compliance with this Section is determined as part of the entitlement review process.
- C. **Multifamily Residential Development.** Multifamily residential development consisting of new buildings or substantial renovations to existing buildings must achieve a minimum score of 38 points.
- D. **All Other Residential Development.** All other residential development consisting of new buildings or substantial renovations to existing buildings must achieve a minimum score of 31 points.
- E. **Nonresidential or Mixed-Use Development.**
1. Nonresidential or mixed-use development consisting of new buildings or substantial renovations to existing buildings must achieve a minimum score of 42 points.
 2. New buildings on partially developed sites (such as pad sites) located in developments built before the adoption of this Code must achieve a minimum score of 28 points. Eligibility is determined at the discretion of the Director.
- F. **Exemptions.** All buildings less than 1,500 square feet are exempt from the requirements of this Section unless otherwise determined by the Director. In addition, the following uses are exempt: major utilities, minor utilities, wireless communication facilities, cogeneration facilities, concrete production, construction storage yards, junkyards, mining and processing, recycling facilities, storage yards, and temporary uses.

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./Mixed Use	Multi-Family Res.	Other Res.
1. ENERGY				
Intent: Encourage on-site renewable energy production; promote the design and construction of energy efficient buildings; reduce air, water, and land pollution from energy consumption; and, reduce the heat island effect.				
1.1 Renewable Energy Sources Design and incorporate on-site renewable energy generation technologies such as solar, wind, geothermal, or biomass. Two points granted for each 1% of the project's annual electrical energy demand generated up to a maximum of 30 points.	2-30	*	*	*
1.2 District Heating and Cooling Design and incorporate into the project a district heating and/or cooling system for space conditioning and/or water heating of new buildings in the project (at least two buildings total must be connected).	4	*	*	
1.3 Solar Orientation Design and orient the project such that 50% or more of the blocks have one axis within plus or minus 15 degrees of geographical east/west, and the east/west length of those blocks are at least as long, or longer, as the north/south length of the block. OR Design and orient the project such that 50% or more of the project total building square footage (excluding existing buildings) such that the longer axis is within 15 degrees of geographical east/west axis.	3	*	*	*

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
1.4 Shade Structures Where appropriate, provide shade structures over windows/doors to minimize glare and unwanted solar heat gain. Such structures shall provide shading to at least 50% of the south- and west-facing glazing on June 21 at noon with one additional point granted for each additional 25% of the glazing shaded. Structures may include awnings, screens, louvers, architectural features, or similar devices.	2-4	*	*	*
1.5 Heat Island Reduction Use any combination of the following strategies for 75% of the non-roof impervious site landscape (including roads, sidewalks, courtyards, parking lots, and driveways). <ul style="list-style-type: none"> • Provide complete shade structures such as those supporting solar panels, canopied walkways, all with a Solar Reflectance Index (SRI) of at least 29. (SRI is a measure of the roof's ability to reject solar heat; a higher SRI yields a cooler roofing choice.) (2 points) • Use paving materials with a SRI of at least 29. (1 point) • Use a pervious system (at least 75%). (2 points) 	1-5	*	*	*
1.6 Cool Roofs Use roofing materials that have a SRI equal to or greater than 78 for low-sloped roofs (<2:12) or 29 for steep-sloped roofs (>2:12) for a minimum of 75% of the roof surface of all new buildings within the project. OR Install a vegetated roof on a minimum of 50% of the total project roof area (exclusive of existing buildings). Any combination of SRI compliant and vegetated roof may be used, provided they collectively cover 75% of the total project roof area.	2	*	*	*
1.7 Covered Parking Locate at least 20 percent of all off-street parking spaces under cover with one additional point granted for each additional 20% of covered parking up to a maximum of 100%. Note: Cover may be provided by a combination of tree canopy, a building, a deck, or a shade structure, or parking may be underground. Tree canopy coverage to be determined by mature shade trees selected from the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List. Any cover, roof, or shade used for this requirement must have a minimum Solar Reflectance Index of 78 for low-sloped roofs (<2:12) or 29 for steep-sloped roofs (>2:12).	1-5	*	*	*
1.8 Shaded Walkways Provide shaded walkways along a minimum of 60% of all building facades adjacent to or facing streets, drive aisles, outdoor gathering spaces, or parking areas. One additional point granted for each additional 10% provided up to a total of 100%. Note: See base code requirements (50% shaded walkways) for commercial, mixed-use, and industrial buildings in HMC Section 19.10.3.E.7, Response to the Climate. Note: See definition of "shaded walkway" in HMC Chapter 19.12, Measurement and Definitions.	1-5	*		
1.9 Solar-Ready Design	2-10	*	*	*

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
<ul style="list-style-type: none"> For stand-alone buildings, design and build the project so that it will readily accommodate the installation of solar photovoltaic panels or solar thermal hot water heating devices, including all necessary conduit, chases, roof penetrations, roof pitch, and orientation. (2 points) For projects with multiple buildings, design and build at least 20% of the buildings to be solar-ready as described above. Two additional points granted for each additional 20% provided up to a total of 100% solar-ready buildings. (2-10 points) For residential development, offer solar photovoltaic panels or solar thermal hot water heating as a design option. (2 points) 				
1.10 Energy Efficiency <ul style="list-style-type: none"> Provide energy-efficient lighting such as compact fluorescent or LED lighting throughout a minimum of 75% of the project. (1 point) Reduce solar heat gain through the use of glazing/fenestration with a U-factor less than .50 and a solar heat gain coefficient (SHGC) less than .30. (2 points) Provide increased insulation to achieve a minimum R-19 in walls and R-38 in ceilings. (2 points) Locate HVAC ductwork within conditioned space. (1 point) Select high-efficiency HVAC equipment for the project. (2 points) 	1-8	*	*	*
1.11 Green Power Provide at least 10% of the project's total energy consumption through renewable energy sources by engaging in a contract to purchase green power for at least two years. One additional point granted for each additional 10% of the project's total energy provided through green power up to a maximum of 50%. The renewable energy sources must be certified per the Center for Resource Solution's Green-e requirements.	1-5	*	*	*
2. RECYCLING AND WASTE REDUCTION				
Intent: Encourage recycling of household and commercial projects; reduce the amount of waste hauled to and disposed of in landfills; and, promote the reuse of materials.				
2.1 Waste Reduction - Construction Make provisions to recycle/salvage at least 50% of non-hazardous construction and demolition debris.	3	*	*	*
2.2 Waste Reduction – Composting Provide on-site composting station or location for all occupants.	2	*	*	*
2.3 Recycling Stations/Dumpsters As part of the project, include at least one station per building dedicated to the collection, separation, and storage of materials for recycling including, at a minimum, paper, corrugated cardboard, glass, plastics, and metals. Establish a City-approved schedule and plan with the local trash hauler for retrieving the recyclable materials on a weekly basis.	3	*	*	*
2.4 Recycle Containers In mixed-use and nonresidential developments, include recycle containers adjacent with other waste-collection receptacles in areas accessible to pedestrians including streets, walkways, and common areas.	2	*		
2.5 Recycled Content in Infrastructure	2	*	*	*

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
For new roadways, parking lots, sidewalks, and curbs (above-ground structured parking and underground parking are exempt from this option), any aggregate base and aggregate sub-base shall be at least 50% by volume recycled aggregate materials such as crushed Portland cement concrete and asphalt concrete.				
3. URBAN DESIGN				
Intent: Encourage balanced land uses, new development near existing communities or public transportation infrastructure; support alternative transportation choices; and, improve the mental and physical health of the community by reducing work commute time and increasing time devoted to leisure, community activities, and family.				
3.1 Proximity to Existing Infrastructure Site new development so that at least 25% of the perimeter is contiguous with existing development that is already served by public infrastructure, including water, wastewater, roads, and electric. Replacement of or other on-location improvements to existing infrastructure may be considered existing for the purpose of this option.	3	*	*	*
3.2 Floodplain Protection For sites with portions located within a 100-year floodplain as defined and mapped by FEMA or the CCRFCD, develop only on portions of the site that are not in a 100-year flood zone or on portions that have been previously developed. Previously developed portions must be developed according to National Flood Insurance Program (NFIP) requirements.	1	*	*	*
3.3 Use Mix Include a minimum of three of the following use types: residential, office, commercial (besides office), or public/institutional. • No use type shall amount to less than 10% or more than 80% of the total development gross floor area. • Individual phases of multiphase projects may have a lesser mix of uses if the applicant provides assurances acceptable to the City that later phases will produce the required mix of uses overall.	3	*		
3.4 Compact Development/Walkability Locate at least 20% of dwelling units within ½ mile of a mixed-use development, commercial development, religious assembly use, park or school. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5		*	*
3.5 Reduced Parking Footprint Devote less than 25 percent of the impervious surface area, up to a maximum of five acres, to surface parking.	2	*	*	
3.6 Workforce Housing For developments with a residential component, include a proportionate amount of dwelling units priced for households earning between 80% and 120% of area medium income (AMI.) 1 point for 5% of units, 2 points for 10% of units, 3 points for 15% of units.	1-3	*	*	*
4. URBAN NATURE				
Intent: Provide a variety of appealing and comfortable open spaces close to work and home; encourage physical activity and time spent outdoors; support natural resource and habitat conservation; and, promote social networking, civic engagement, personal recreation, and other activities.				
4.1 Minimum Open Space	1-4	*	*	*

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
Provide common open space that exceeds the base requirements of HMC Section 19.10.10 by 10%. One additional point granted for each additional 10% up to a total of 40% above code.				
4.2 Access to Parks and Open Space Locate or design the project so that a park, publicly-accessible open space, multi-use path, trail or plaza lies within ½ mile of 20% of planned and existing dwelling units and business entrances. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5	*	*	*
4.3 Access to Active Recreation Locate or design the project so that active public facilities (e.g., playfields, soccer, baseball, basketball, or other sports fields) totaling at least one acre, or a public indoor recreational facility, lies within ½ mile of 20% of dwelling units and/or business entrances. One additional point granted for each additional 20% of dwelling units within a ½ half-mile distance up to a total of 100%.	1-5	*	*	*
4.4 Habitat Conservation - Avoidance Locate the project on a site that does not have significant habitat. For the purposes of this and the following item, "significant habitat" includes: <ul style="list-style-type: none"> Habitat for species that are listed or are candidates for listing under state or federal endangered species acts; Locally or regionally significant habitat, or patches of natural vegetation at least 150 acres in size; and Habitat flagged for conservation under the Multiple Species Habitat Conservation Plan.	3	*	*	*
4.5 Habitat Conservation - Setback For projects on a site that has significant habitat, design the site such that all development is a minimum of 100 feet away from such habitat. For the purposes of this item, "significant habitat" is defined in item 4.4 above.	2	*	*	*
4.6 Habitat Restoration Using only native plants, restore pre-development native habitat on the project site in an area equal to or greater than 10% of the development footprint. Work with a qualified ecologist to ensure that restored areas will have habitat, including native species assemblages and hydrology that likely occurred in pre-development conditions.	3	*	*	*
4.7 Community Gardens For residential or mixed-use projects, dedicate permanent and viable growing space and related facilities (such as greenhouses) within the project at a minimum of ten sq. ft. per dwelling unit for 20% of the project. Provide fencing, watering systems, soil, and/or garden bed enhancements (such as raised beds), secure storage space for garden tools, solar access, and pedestrian access for these spaces. One additional point granted for community garden space provided for each additional 20% of the project up to 100%.	1-5	*	*	*
4.8 Tree Canopy Provide trees in an amount that exceeds the base requirements of HMC Section 19.11, <i>Landscaping Standards</i> , by 10%. One additional point granted for each additional 10% up to 50% above Code.	1-5	*	*	*
5. TRANSPORTATION				

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
Intent: Promote public health by encouraging daily physical activity associated with alternative modes of transportation such as walking and bicycling; encourage the use of public transit; promote safe and efficient transportation; and, design parking facilities to minimize adverse environmental impacts to pedestrians.				
5.1 Proximity to Transit Locate the project near existing or planned transit service so that at least 20% of dwelling units and business entrances within the project area are within ½ mile of transit stops. One additional point granted for each additional 20% of dwelling units and business entrances within a ½ half-mile distance up to a total of 100%	1-5	*	*	*
5.2 Carpool, Shared-Use and Low-emitting Vehicle Parking For new nonresidential and mixed-use buildings, provide preferred parking spaces for carpool, shared-use, or low-emitting vehicles. Signage indicating carpool, shared-use, or low-emitting vehicle parking spaces must be provided, and the parking spaces must be located closest to the building entrance (exclusive of accessible parking spaces.) <ul style="list-style-type: none">• Provide parking spaces for carpool and/or shared-use vehicles equal to 5% of the total parking capacity for each nonresidential and mixed-use building on the site. One additional point granted for 10% of the total parking capacity. (1-2 points)• Provide parking spaces for low-emitting vehicles (zero-emission vehicles, partial-zero emission vehicles, ultra-low emission vehicles, etc.) equal to 5% of the total parking capacity for each nonresidential and mixed-use building on the site. One additional point granted for 10% of the total parking capacity. (1-2 points)	1-4	*		
5.3 Pedestrian System Design and build a project such that no block length exceeds 400 feet. <ul style="list-style-type: none">• If longer blocks are necessary, mid-block crossings shall be provided every 600 feet. Exceptions are permitted to avoid incursion into or damage to sensitive natural areas or to accommodate major institutional buildings or uses, such as hospitals, parks, or schools, or for infill developments where the street pattern is already established.	5	*	*	*
5.4 Interconnected Street Network The development achieves a connectivity index score of 0.1 above the applicable base requirements of this Code. Two points granted for a score of 0.15 above the base requirements, and three points granted for a score of 0.2 above the base requirements.	1-3	*	*	*
5.5 Bicycle Circulation Systems Build a network of on-site bicycle pathways that provide safe, continuous bicycle access to all uses within the development site and to land uses on adjacent properties.	2	*	*	*
5.6 Pedestrian/Bicycle Networks (master planned communities only) Provide safe pedestrian and bicycle routes between major residential centers in a development and schools, churches, and other major community facilities and gathering places. <ul style="list-style-type: none">• Safety features shall include raised/marked pedestrian crossings, narrow streets, or streets with pedestrian medians, and similar features (1 point).	1-3	*	*	*

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
<ul style="list-style-type: none"> • Avoid erecting obstructions such as signage and utility poles in sidewalks (1 point). Provide separated grade crossings (1 point).				
5.7 Developer-sponsored Transit For a minimum of three years, provide year-round, developer-sponsored transit service (vans, shuttles, or buses) from at least one central point in the project to major transit facilities and/or other major destinations such as a retail or employment center.	5	*	*	*
5.8 Parking Locate all new off-street surface parking lots at the side or rear of buildings, leaving building frontages and streetscapes free of surface parking lots. Building entrances must be easily accessible from the public way. (2 points) OR Provide structured parking to meet 20% of the total parking requirement for nonresidential and multifamily residential projects. Two additional points will be granted for each additional 20% up to a total of 100%. In addition, as applicable, locate all new off-street surface parking lots at the side or rear of buildings, leaving building frontages and streetscapes free of surface parking lots. (2-10 points)	2-10	*	*	
6. ENVIRONMENTAL HEALTH Intent: Encourage the use of green building practices in the design, construction, or retrofit of buildings; promote the reuse of land by developing sites where development is complicated by environmental contamination; prevent pollution and erosion from stormwater runoff; and, improve nighttime visibility and reduce glare.				
6.1 Green Building <ul style="list-style-type: none"> • Use green building materials (recycled materials, locally-produced materials, sustainably-harvested wood, etc.) in the construction of the project. (2 points) • Use furniture made from recycled materials, locally-produced materials, sustainably-harvested wood, etc. in the project. (1 point) • Use flooring made from recycled or rapidly renewable materials such as PET carpeting, bamboo, cork flooring, etc. in the project. (1 point) 	1-4	*	*	*
6.2 Daylighting Incorporate daylighting strategies into the design of the project to minimize the use of artificial lighting.	2			
6.3 Light Pollution Reduction Reduce light pollution by using full cutoff exterior lighting and using downlighting only.	2			
7. WATER Intent: Minimize water use in buildings to reduce impacts to natural water resources; and, minimize outdoor water use for landscape irrigation.				
7.1 Water-Efficient Landscape Limit turf grass beyond base code requirements. <ul style="list-style-type: none"> • Single-family residential: Turf limited to 25% of landscaped area 	2			*
7.2 Water-Efficient Plants	2	*	*	*

TABLE 19.10.12-1, SITE AND BUILDING DESIGN OPTIONS FOR SUSTAINABILITY

Site or Building Design Feature	Points	Districts in Which Option is Available		
		Nonres./ Mixed Use	Multi-Family Res.	Other Res.
All landscaping plants, including those on green roofs, shall be selected from a list of water-efficient vegetation maintained by the City. The use of native plants is strongly encouraged.				
7.3 Landscape Irrigation System Drip irrigation systems shall be utilized for all landscape irrigation systems when irrigation is necessary. Drip irrigation systems must be equipped with pressure regulators, filters, and emitters. Each drip emitter must be rated at less than 20 gallons per hour (gph).	1	*	*	*
7.4 Surface Treatments Non-turf landscaped areas must be completely covered by a two-inch-minimum layer of air- and water-permeable mulch to reduce evaporation. Living groundcovers qualify as mulch provided the individual plants are installed at sufficient density to assure 100 percent ground coverage at maturity. If a weed barrier is used beneath the mulch, it must be manufactured to be air- and water-permeable to reduce evaporation and run-off.	1	*	*	*
7.5 Water-Efficient Buildings Minimize indoor water use in new buildings and buildings undergoing major renovations as part of the project through any combination of the following: <ul style="list-style-type: none"> • Use low-flow plumbing fixtures such as toilets, urinals, faucets, and showerheads. (2 points) • Use of hot water recirculation system. (Cannot be used in conjunction with tankless water heater.) (2 points) • Use of a tankless water heater. (2 points) • Use of a solar water heater. (2 points) • Use of water efficient cooling technologies (such as air-cooled technologies). (2 points) 	2-8	*	*	*
8. ADDITIONAL STRATEGIES FOR SUSTAINABILITY Intent: Implement strategies of existing above-code programs or explore and implement new, unique or innovative ways to increase the sustainability of the project and community.				
8.1 Above-Code Programs Design and build the project to meet the standards of an above-code program such as LEED, Green Globes, Energy Star, Green Building Partnership, etc.	10			
8.2 Innovative Products or Strategies Provide documentation of an innovative product or strategy that increases the sustainability of the project or community but is not provided in this Section. Up to five Innovative Products or Strategies may be submitted for review. Points awarded at the discretion of the Director based on the capacity of the proposed product or strategy to increase the sustainability of the project in any of the above categories. (1-5 points for each Innovative Strategy)	1-25			

19.10.13 Operational Performance

- A. **Air Quality.** The emission of dust, dirt, or smoke shall comply with the Clark County Department of Environment and Sustainability Regulations.
- B. **Combustibles and Explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with HMC Chapter 15.33 and all applicable state and federal laws.
- C. **Gases.** The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and, in addition, shall comply with the Clark County Department of Environment and Sustainability Regulations and all applicable state and federal laws, including the Federal Emergency Planning and Community Right to Know Act of 1986.
- D. **Hazardous Materials.**
 - 1. **General Provisions.**
 - a. **Land Use Impacts.** The land use impacts for facilities that use hazardous materials in excess of the exempt amounts or maximum allowable quantities per control area as specified in the Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.
 - b. **Storage.**
 - i. A CUP is required for the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Fire Code. Requirements and allowed amounts for fuel storage are specified below.
 - ii. Notwithstanding the above regulations regarding hazardous materials storage, any substance designated as highly hazardous as listed in NRS 459.3816 and stored in the quantity specified shall require Council use permit approval in compliance with the public notice requirements and processing procedures set forth in NRS 278.147.
 - c. **Marijuana Extraction.** Any medical marijuana extraction processing, as part of an approved medical marijuana establishment (infusion/manufacturing use), shall require a CUP. For medical marijuana extraction processing using flammable gases not listed in HMC Chapter 4.116, Medical Marijuana – Regulations and Licenses, additional reports must be submitted consistent with HMC Subsection 19.9.6.T, Marijuana Establishment.
 - 2. **Above-Ground Fuel Storage.** Above-ground fuel storage must comply with the standards in this Subsection. The capacity limits referenced in this Subsection apply to the size of the tank or container where a single tank is proposed. Where multiple tanks are proposed, the capacity limit applies to the total aggregate above-ground storage capacity on the site.
 - a. **General Provisions.**
 - i. Fuel storage up to 500 gallons is allowed, subject to an approved fire installation permit.
 - ii. Fuel storage with capacity of 501 to 2,500 gallons requires design review for Director decision.
 - iii. Fuel storage greater than 2,500 gallons requires a CUP.

- iv. Fuel storage with capacity greater than 500 gallons containing diesel, gasoline, or similar liquid or gas fuels shall meet or exceed UL2085 standards unless approved by the Fire Chief.
- v. Fuel storage that contains ultra-low Sulphur diesel shall comply with the same Fire Code Standards for Class I liquids.
- b. *Permit Requirements.* Above-ground storage tanks are subject to the issuance of the appropriate installation permit as required by the Fire Code, provided that:
 - i. Unless otherwise approved through design review, no above-ground fuel storage is allowed in a front or unenclosed corner side yard unless it is screened from view from the front street;
 - ii. Storage containers, pumps, and other associated equipment is considered mechanical equipment for the purposes of screening consistent with HMC Subsection 19.10.7.A, Mechanical Equipment Screening; and
 - iii. Propane tanks shall be screened for 50 percent of its perimeter.

3. ***Additional Reports.***

- a. For any hazardous materials storage that requires a CUP, the applicant may be required to submit additional reports to the Fire Chief and/or building official for approval or recommendation prior to being scheduled for a Commission hearing. Reports may include, but are not limited to, those listed in Nevada Administrative Code Chapter 459.
- b. Marijuana extraction processes using flammable gas not specifically prescribed in the HMC, or hazardous material as defined in the Fire Code, may be approved subject to submittal and approval of hazard analysis, risk assessment, and risk mitigation reports. These reports shall be prepared by an independent, qualified, industrial hygienist, or a Nevada licensed fire protection engineer as required by the Fire Chief. Subject to approval of the Fire Chief, other licensed professionals or experts that can demonstrate qualifications in the specific area through education, training, and experience may prepare the reports or assist in the preparation of the reports. Reports shall be submitted to the Fire Chief for approval prior to the CUP being scheduled for a Council hearing.
- c. Hazard analysis, risk assessment, and risk mitigation reports shall be prepared and reviewed at the applicant's expense. The costs of any consultant services required by the City to review reports that exceed the City's technical expertise shall be paid by the applicant in an amount estimated by the Fire Chief, in advance of the technical review.

E. **Heat and Humidity.** Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

F. **Noise.**

- 1. ***General.*** All uses and activities shall comply with HMC Chapter 8.84 and the maximum sound pressure level radiated by any use or facilities shall not exceed the values established in Table 19.10.13-1, Maximum Sound Pressure Levels.

TABLE 19.10.13-1, MAXIMUM SOUND PRESSURE LEVELS

Receiving Property Land Use	Time of Day	Background Level (dBA) Outdoors	Maximum Permitted Sound Level (dBA) Outdoors
Residential property, or residential portion of a multi-use property	7:00 am to 9:00 pm	(Leq14) 62-64	65-Daytime
	9:00 pm to 7:00 am	(Leq10) 53-59	60-Nighttime
	24 hours	(L90) 60	(L10) 70 (Not to exceed greater than 15 min. in a 24-hour period)
Industrial	5:00 am to 8:00 pm	(Leq15) 68-71	73-Daytime
	8:00 pm to 5:00 am	(Leq9) 68-73	73-Nighttime
	24 hours	(L90) 68	(L10) 73 (Not to exceed greater than 15 min. in a 24-hour period)
Commercial	5:00 am to 8:00 pm	(Leq15) 72-75	75-Daytime
	8:00 pm to 5:00 am	(Leq9) 70-73	73-Nighttime
	24 hours	(L90) 68	(L10) 77 (Not to exceed greater than 15 min. in a 24-hour period)

Key/Note:

1 The normal operation of maintained residential mechanical equipment (e.g. heating and air conditioning systems, pool pumps, pool heaters, etc.) are exempt for the requirements of Table 19.10.13-1.

2 Golf course maintenance equipment is exempt from the requirements of Table 19.10.13-1. See Additional Standards for Specific Operations and Activities for requirements.

- a. **Measurement Point.** The sound level shall be measured at the lot line of the property on which the sound is generated.
 - b. **Sound Level Measurement.** Noise levels shall be measured with a sound level meter or noise dosimeter that meets the current requirements outlines in the American National Standards Institute (ANSI) Specification for Sound Level Meter, S1.4 (1983) Type S2A, and set to use the A-weighted network with slow meter response.
2. **Additional Standards for Specific Operations and Activities.**

- a. **Outdoor Paging Systems.** Outdoor paging systems are not allowed within 1,000 feet of any noncommercial or nonindustrial zoning district, or within 1,000 feet of any existing or proposed residential, school, licensed day care, and public or semipublic use property line. This standard does not apply to drive-up windows or remote speaker systems at financial institutions, pharmacies, drive-through restaurants, and similar uses where cashiers and customers have direct face-to-face contact, where automated volume control technology is used, where drive aisles are adjacent to the primary structure, or where the remote appliance is located under a porte-cochere attached to the primary buildings.
 - b. **Refuse Collection/Loading.** No person shall engage in waste disposal services or refuse loading and collection or operate any compacting equipment or similar mechanical device in a manner that creates any noise exceeding the standards set forth above when measured at a distance of 50 feet from the equipment when inside of or within 500 feet of a residential use.
 - c. **Truck/Rail Loading.** No truck or rail loading area established after October 6, 1998, is allowed to be in operation within 250 feet of a residential zoning district between the hours of 10:00 p.m. and 6:00 a.m., unless within a fully enclosed building.
- 3. ***Lawn Maintenance Equipment and Power Tools, Golf Course Maintenance.***
 - a. No person shall operate, use, or cause to be operated or used any lawn care device or power tool before 6:00 a.m. and after 7:00 p.m. or sunset, whichever occurs later. This does not apply to an employee of the Public Works Department or Parks and Recreation Department in the normal course of their duties.
 - b. Golf course lawn maintenance equipment may be operated daily from sunrise or 6:00 a.m., whichever is earlier, until sunset. Daily sunrise/sunset times are determined by the United States Naval Observatory.
- 4. ***Construction.*** Construction work shall be restricted to the hours of 6:00 a.m. to 6:00 p.m. unless otherwise approved by the Building Official per HMC Chapter 8.84.030.E.
- 5. ***Exemptions.*** The following operations and activities are exempted from this Section.
 - a. **Emergency Power Generators.** The operation of emergency power generators that are installed as backup power supplies at hospitals, nursing and retirement homes, office buildings, or similar large-occupancy structures is allowed only in emergency situations when normal electric service is interrupted and during scheduled routine testing periods limited to such duration as to confirm proper functionality. Routine testing must take place between the hours of 8:00 a.m. and 8:00 p.m. and shall not continue longer than 30 minutes per testing period. This exemption applies only to those generators that are used to provide emergency power in emergency situations or as required by the Fire Department. Generators not used for these purposes are required to meet the sound level limits established in this Subsection.
 - b. **Emergency Work.** Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from eminent danger, following a fire, accident, or natural disaster.
 - c. **Aircraft and Trains.** Sound produced by aircraft in flight or operation at an airport, or railroad equipment in operation on railroad rights-of-way.
 - d. **Permitted Activities.** Any activities that generate noise for which a permit was issued consistent with this Section or HMC Chapter 8.84.
- G. **Odors.** No person or business shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors that are measured in excess of the following limits:

1. For areas used predominantly for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
 2. No violation shall occur provided that the person or business causing or allowing the emission of odorous air contaminants is employing the best available treatment, maintenance, and control currently available to maintain the lowest possible emission of odorous gases.
- H. **Radioactive Materials.** The use, handling, storage and transportation of radioactive materials shall comply with all applicable local, state, and federal regulations, including the Fire Code and HMC Title 15.
- I. **Vibration.** No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m. or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.
- J. **Evidence of Compliance.** The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary by the Director prior to issuance of a building permit and certificate of occupancy.
- K. **Operation and Maintenance Closure Plan for Golf Course, Park, Open Space, or PS-Zoned Land.**
1. **Notification.** If any portion of a private golf course, park, open space, or PS-zoned land discontinues daily operation or maintenance, the Community Development and Services Department may notify the property owners of the requirement to comply with this Subsection by posting notice at the site and by certified mail. Within 10 days of receiving the notice from the City to comply with this Subsection, the property owner shall meet with the Community Development and Services Department to discuss the proposed plans for the property, the process, and steps to ensure compliance with this Subsection.
 2. **Operation and Maintenance Closure Plan.** Within 30 days of posting or mailing of the notice from the City to comply with this Subsection, the property owner shall submit an Operation and Maintenance Closure Plan (Plan), which shall be considered for final action by Council at a public meeting. The purpose of the Plan is to maintain the health, safety, aesthetic, economic, and general welfare of those properties abutting the site, and to protect the neighborhoods against nuisances, blight, and deterioration by establishing minimum requirements for the maintenance of the site. The Plan must ensure the property is maintained to the same level as existing on the date of the discontinuance of operation or maintenance, or if in a state of disrepair on the date of discontinuance of operation or maintenance, at a level acceptable to the City consistent with HMC Titles 15 and 19, until such time as a new property development plan is approved by Council. At a minimum, the Plan must:
 - a. Detail how existing structures and buildings, parking areas, greens, fairways, driving ranges, landscaping and plant materials, security lighting, water features, reservoirs, and other applicable features located within the property will be maintained and secured in compliance with HMC Titles 15 and 19;
 - b. Ensure that any existing water features be kept in clean operating condition, free of debris, algae, and stagnation.
 - i. The property owner must agree to continue to circulate all water in any water features in compliance with the Southern Nevada Health District's (SNHD) Vector Borne Monitoring Program.

- c. The property owner must agree to permit the City and SNHD staff to inspect the property for stagnated water at reasonable intervals and/or upon prior notice.
 - d. Ensure that all irrigation systems be fully operational at all times and if in disrepair, repairs must be completed as promptly as possible.
 - e. If the plan proposes the discontinuation of irrigating systems providing water to any grass, trees, or other plants, the details of proposed dust control measures and vegetation management must be submitted as part of the plan;
 - f. All maintenance requirements contained in HMC Subsection 15.12.030.J must be complied with.;
 - g. Detail how the property will be monitored for compliance with the Plan and ensure any graffiti, trash, weeds, etc., are addressed promptly.
 - i. The plan must identify a local contact who will respond and attend to any issues on site at the property within one (1) business day upon receiving a complaint from the City.
 - h. This contact must include the name of an individual, a phone number, and an email address. The property owner must also provide the City with a local address where the property owner will receive official notices related to the property;
 - i. Provide security and monitoring details for the property;
 - j. Establish a service to receive comments or complaints from the public to contact regarding maintenance concerns. This information must be posted on the property in a conspicuous location, and provided via a mailing to all properties within 750 feet of the site, including to any advisory boards established by the Council in the affected area and all registered property owners' associations, neighborhood associations, and City-appointed individuals serving as rural neighborhood representatives within that buffer area;
 - k. Provide documentation for any public access and utility easements and plans to ensure access is maintained;
 - l. Detail how all applicable federal, state, and local permitting requirements will be met. Where reclaimed water is utilized, provide written documentation from the Nevada Division of Environmental Protection (NDEP) that confirms the State's approval to maintain an active Groundwater Discharge Permit during the time period where discontinuance of daily operation or maintenance is proposed. Where such approval is not issued by NDEP, provide detail regarding how the property will be adequately maintained consistent with the Plan absent the allowance for such utilization of reclaimed water; and
 - m. Provide a monitoring plan to be utilized during the term of the closure plan. The monitoring plan should include a schedule, agreed-upon by staff, and at a minimum, include a monitoring report of actions taken during the monitoring period, as well as photos of work completed as described in monitoring report.
3. ***Neighborhood Meeting.*** The property owner shall conduct a neighborhood meeting consistent with HMC Subsection 19.19.5.C, Neighborhood Meetings.
4. ***Noncompliance.*** Failure to comply with this Subsection or the terms of the approved Plan is hereby deemed a public nuisance and will result in a fines of not less than \$500 per day per violation for each day the violation continues and could result in denial of any proposed development of the property as stated in HMC Section 19.9.6, Review and Decision. Nothing in

this Section shall be deemed to limit the City's right to exercise remedies under HMC Title 15. The Council approved Plan may be recorded against the property at the property owner's expense.

Chapter 19.11 Landscaping Standards

Sections:

- 19.11.1 Purpose and Applicability
- 19.11.2 Landscape Plan
- 19.11.3 Required Landscape Areas
- 19.11.4 Landscaping Standards
- 19.11.5 Planting Standards
- 19.11.6 Parking and Loading Area Landscaping
- 19.11.7 Maintenance
- 19.11.8 Alternative Compliance

19.11.1 Purpose and Applicability

This Chapter establishes the minimum landscaping and screening requirements for development within the City. See HMC Chapter 14.14 (Conservation) for further landscape and irrigation regulations and restrictions, as defined in that Title.

19.11.2 Landscape Plan

All landscape plans detailing proposed installation and irrigation systems shall be prepared for a building permit application by a landscape architect registered in the State of Nevada, or by one of the following as provided in NRS 623A.070:

- A. Owners of property who make plans, specifications, or drawings for their own property;
- B. Any person engaged in the practice of architecture who is registered pursuant to the provisions of NRS Chapter 623;
- C. A contractor licensed pursuant to the provisions of NRS Chapter 624 who provides his own drawings for his own construction activities;
- D. Any person who is licensed as a civil engineer pursuant to the provisions of NRS Chapter 625; or
- E. Any person who designs, manufactures, or sells irrigation equipment and provides instructions pertaining to the mechanical erection and installation of the equipment but does not install the equipment.
- F. This requirement shall not apply to conceptual landscape plans or site plans.

19.11.3 Required Landscape Areas

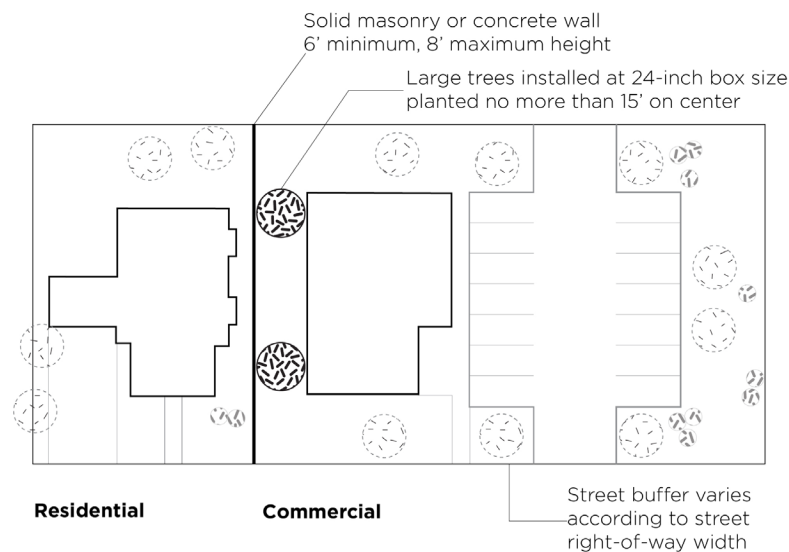
- A. **Site Landscaping.** Site landscape areas shall be provided consistent with Table 19.11.3-1, Minimum Site Landscaping Requirement by Zoning District. Yard, storage, and dock areas, separated by a masonry wall a minimum of eight feet in height, may be excluded when calculating site landscaping requirements in industrial zoning districts.

TABLE 19.11.3-1, MINIMUM SITE LANDSCAPING REQUIREMENT BY ZONING DISTRICT

CN, CO, CC, CH, CA, IL, IG, IP, PS	CT	Nonresidential Uses in R Districts
15%	20%	15%

B. Perimeter Landscape Buffers.

1. **Applicability.** Perimeter landscape buffers shall be provided abutting street rights-of-way and parcels abutting other sites consistent with the standards of this Subsection. If landscaping material is required in the right-of-way, onsite perimeter landscape buffers may be reduced adjacent to that right-of-way through a waiver with acceptable provision of compensating benefit. See Figure 19.11.3-A, Landscape Buffers.

FIGURE 19.11.3-A, LANDSCAPE BUFFERS

2. **Relationship to Other Landscaping Standards.** Landscaping provided to meet a project's perimeter landscape buffer requirements may be counted towards meeting the project's site landscaping requirements per Table 19.11.3-1, above. Parking lot landscaping may also be counted towards meeting the project's site landscaping requirements.
3. **Buffer Width.**
 - a. The minimum width of required buffers on local streets is 10 feet. Required buffers on all other streets shall be consistent with Table 19.11.3-3, Pedestrian and Amenity Zone, and Figure 19.11.3-A, Landscape Buffers.
 - b. Parcel site buffers shall be consistent with Table 19.11.3-2, Abutting Parcel Site Buffer Widths.

TABLE 19.11.3-2, ABUTTING PARCEL SITE BUFFER WIDTHS

Development Zoning District	Abutting Parcel (Land Use Designation)	
	Residential	Nonresidential or Mixed-use
Residential	10 ft ¹	NA
Nonresidential	15 ft ¹	5 ft
Downtown	NA	NA
Mixed-Use ²	15 ft	5 ft

Notes:

1 Buffer requires large trees installed at 24-in-box size planted an average of 20 ft on-center when adjacent land use is lower residential intensity.

2 No perimeter landscape buffer is required adjacent to the trail corridor or ROW when buildings are located at the ROW. The front/corner perimeter landscape buffer may include street furniture, hardscape, and trees protected by tree grates/curbs, subject to approval by the Director.

4. ***Alternatives.*** Buffer width may be reduced by the Director when necessary to accommodate unique site conditions or physical constraints, provided that reduction is offset by greater buffer widths in unconstrained areas such that the “average” buffer width complies with the minimum width requirement. No reduction in width shall be administratively allowed below 50 percent of the required minimum (e.g., if 20 feet required, reduction cannot exceed 10 feet). The required on-site buffer width along a public ROW may be reduced by the Director up to 50 percent where landscaping, trail, or open space improvements are required by the City to be provided within the right-of-way, so long as the total required buffer width is still provided. The buffer along Boulder Highway adjacent to the Boulder Highway linear park may be reduced to 0 feet.

TABLE 19.11.3-3, PEDESTRIAN AND AMENITY ZONE

Street Type		Pedestrian and Amenity Zone (Minimum width) ^{1,2,3,4,5,6}
Minor Collector ⁷	Overall	18 feet
	Walkway	6 feet
	Amenity/Planting	12 feet
Major Collector ⁷	Overall	23 feet
	Walkway	6 feet
	Amenity/Planting	17 feet
Minor Arterial	Overall	30 feet
	Walkway	10 feet
	Amenity/Planting	20 feet
Major Arterial	Overall	30 feet
	Walkway	10 feet
	Amenity/Planting	20 feet

Notes:

General: Buffer width may be reduced by the Director when necessary to accommodate unique site conditions or physical constraints, provided that reduction is offset by greater buffer widths in unconstrained areas such that the “average” buffer width complies with the minimum width requirement. No reduction in width shall be administratively allowed below 50 percent of the required minimum (e.g., if 20 feet required, reduction cannot exceed 10 feet). The required on-site buffer width along a public ROW may be reduced by the Director up to 50% where landscaping, trail, or open space improvements are required by the City to be provided within the ROW, so long as the total required buffer width is still provided. The buffer along Boulder Highway adjacent to the Boulder Highway linear park may be reduced to 0 feet.

¹Pedestrian and Amenity zone width measured from back of curb and includes a minimum of 5 feet of public right-of-way width for all streets listed on the Master Transportation Plan. Required walkway width as required by the Master Transportation Plan unless a different walkway standard applies (i.e., in the mixed-use districts). The right-of-way width within the Pedestrian and Amenity Zone shall be landscaped unless otherwise approved by the Director.

²Does not apply within Rural Neighborhood Overlay, Very-Low Density Land Use designations, and Planned Community zoning districts.

³Lake Mead Parkway includes a 10-foot-wide detached sidewalk located six feet from the back-of-curb. Plants, materials, and design shall be per the Lake Mead Parkway Improvement Program Manual.

⁴For any state highway that does not have stand-alone landscape requirements, the minimum requirements for a major arterial will be applied.

⁵Infill development and retrofits to existing development are subject to review by Public Works and Parks and Recreation.

⁶For Mixed Use zoning districts, see 19.7.5.C.4 and 19.7.7.C

⁷Minimum 8 ft. walkway is required adjacent to all schools.

- C. **Landscape Planters.** All landscape planter design shall comply with Section 1500 (Structural Best Management Practices) of the Clark County Regional Flood Control District Hydrologic Criteria and Drainage Design Manual and the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List.

19.11.4 Landscaping Standards

- A. **Landscape Material Standards.** The standards in this Section are the minimum requirements for all trees, shrubs, and landscape material.
1. **Landscape Material Restrictions.** All development shall comply with the landscape material restrictions in HMC Section 14.14.050.
 2. **Water Features.** All development shall comply with the water feature restrictions in HMC Section 14.14.080.

3. ***Restrictions on Water-Efficient Landscaping Prohibited.*** Any person(s) or association(s), regardless of date of establishment, is prohibited from imposing private covenants, restrictions, deed clauses, or other agreements, between the parties that prevent person(s) from utilizing water-efficient and drought-tolerant landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate design-review approval. Landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient and drought-tolerant landscaping.
4. ***General Design.*** Plant materials shall be selected and/or placed for: energy and water efficiency; adaptability and relationship to the desert environment; color, form, and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets to achieve a desirable microclimate and minimize energy demand.
 - a. ***Plant Varieties.*** Minimum three tree varieties and five shrub varieties shall be provided for each project.
 - b. ***Hardscape.*** Landscape design may integrate hardscape (plazas, courtyards, trails, etc.) and landscaping, which may be counted towards the overall project's site landscaping and/or open space requirements at the discretion of the Director.
5. ***Plant Quality.*** Plants installed to satisfy the requirements of this Section shall meet or exceed the plant quality and species standards of the Arizona Nursery Association and the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List and must be rated at least three stars. Plants with low or very low water use and that are water efficient and drought-tolerant are required. Plants shall be nursery-grown and adapted to the local area. No artificial plants or vegetation shall be used to meet any standards of this Section, except in the discretion of the Director. Limited amounts of high-quality artificial turf may be allowed to meet the requirements of this Section.
6. ***Plant Sizes and Specifications.***
 - a. ***Trees.***
 - i. Outside the downtown districts, trees planted to satisfy the standards of this Section shall have a minimum box size of 24 inches and height consistent with a 24-inch-box size per the Arizona Nursery Standards. Within the downtown districts, trees planted to satisfy the standards of this Section shall have a minimum box size of 36 inches and height consistent with a 36-inch-box size per the Arizona Nursery Standards.
 - ii. At maturity, shade tree canopies in commercial, industrial, semipublic, multifamily, and mixed-use developments shall be pruned to provide a minimum clearance of eight feet from the ground.
 - iii. Installed trees shall meet the minimum size and surface area size requirements in Table 19.11.4-1, Tree Canopy Size and Minimum Required Surface Area.

TABLE 19.11.4-1, TREE CANOPY SIZE AND MINIMUM REQUIRED SURFACE AREA

Recommended Tree Species Size Categories	Average Canopy Size (At maturity)	Minimum Required Surface Area (per tree)
Small Canopy	16 feet by 16 feet	81 square feet (9 feet by 9 feet)
Medium Canopy	22 feet by 22 feet	121 square feet (11 feet by 11 feet)
Large Canopy	28 feet by 28 feet	196 square feet (14 feet by 14 feet)

b. *Shrubs.*

- i. Shrubs planted to satisfy the standards of this Section shall have a minimum container size of five gallons.
- ii. When planted adjacent to sidewalks, shrubs shall not exceed three feet at maturity in commercial, industrial, semipublic, multifamily, and mixed-use developments.

c. *Groundcover.* Groundcovers planted to satisfy the standards of this Section shall have a minimum container size of one gallon.

d. *Buffer Plants.*

- i. Size. Buffer plants planted to satisfy the standards of this Section shall have a minimum container size of five gallons.
- ii. Location. In commercial and industrial developments, buffer plants should be used below and to the sides of windows and adjacent perimeter walls, fences, and other building walls.

e. *Natural Turf.* The natural turf limitations contained in this subsection are intended to increase the use of low-water use, drought-tolerant landscaping materials. Landscaping shall be designed and landscaping material shall be chosen and installed so as to ensure that within three years of normal growth, at least 50 percent of the area covered by non-turf landscaping will consist of low-water use, drought-tolerant landscaping materials. Natural turf is not an allowable plant material within public or private common open space, unless it meets the definition of functional turf per HMC Chapter 19.37, Definitions of Terms. This includes medians, streetscapes, parking lots, entryways, and perimeter landscaping.

i. Downtown, Nonresidential, and Mixed-Use Zoning Districts.

- (a) The installation of new natural turf in nonresidential and mixed-use developments, including common areas of residential neighborhoods that does not meet the definition of functional turf per HMC Chapter 19.37, Definitions of Terms, is prohibited. This provision shall not apply to public or private schools or public or private parks. Natural turf areas in public or private schools or public or private parks shall be limited to areas that provide a programmed recreation area for the community or provide an active recreation benefit to the community such as sports fields.

- (b) Natural turf areas shall not be located within 10 feet of any street (back of curb) or within three feet of a sidewalk or other walkway, curb, or wall.
- (c) The maximum slope of a turf area shall not exceed 25 percent. Regardless of slope, turf areas are to be graded to prevent run-off onto sidewalks, walkways, and driveways.
- (d) Natural turf in recreation areas such as parks shall utilize water efficient species and warm season grasses, such as hybrid Bermuda.

ii. Single-Family Residential.

- (a) The use of low water use and drought-tolerant landscaping materials is encouraged in residential front, side, and rear yards.
- (b) The installation of new natural turf in residential front yards is prohibited. See HMC Chapter 14.14.

iii. Golf Courses.

- (a) Water Service. Potable and non-potable water service to a new golf course is prohibited.
- (b) Golf courses shall be limited to a maximum of 90 acres of natural turf for 18 holes and 10 acres of natural turf for a driving range. This natural turf limitation of golf courses may be exceeded if the applicant demonstrates to the satisfaction of the Department of Utility Services that irrigation of natural turf, in excess of the amount specified, will have no significant impact on water resources or peak demand delivery capacity, because water for the additional natural turf will be provided by one or more of the following methods:
 - (1) Water Provided by Well. Water provided from applicants' own well, appurtenant, or transferred water rights that can be legally used to irrigate the property on which the golf course is developed.
 - (2) Water Provided by City. When water is provided by the City, the applicant must contribute to an exterior water efficiency retrofit program approved by the Department of Utility Services to offset the impacts on water resources and system delivery capacity in an amount equivalent to two times the amount of water used by the natural turf. Golf courses shall be subject to water budgeting per HMC Section 14.14.040.
 - (3) Groundwater Provided from the Shallow Groundwater Aquifer. Applicant may develop and provide the groundwater at his sole cost or may compensate the Department of Utility Services to develop groundwater pursuant to an agreement with the Department of Utility Services. Both parties must have executed the agreement at the time of application.
 - (4) Nonpotable Water. Nonpotable water is provided at the discretion of the City. The applicant must demonstrate water-

efficient planning and practices to qualify for nonpotable water from the City.

- (c) The restrictions for natural turf area shall not apply to any golf course property that is the subject of a development agreement between the City and the owner or former owner of the property provided the development agreement is in effect as of July 3, 2001 and the development agreement has not been canceled at the time of commencement of construction of the golf course.
- f. *Other Ground Treatments.* Rock mulch shall be installed and maintained at a minimum depth of two inches and a maximum depth of four inches on all planted areas except where groundcover plants are fully established.
- g. *Species.* Tree and plant species provided to meet the landscaping and screening standards of this section shall comply with the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List.

19.11.5 Planting Standards

- A. **Perimeter Landscape Buffers and Non-Buffer Areas.** Unless otherwise stated, a minimum of one shrub shall be provided per 100 square feet of landscape buffer, and a minimum of one tree shall be provided per 30 linear feet of landscape buffer or per the mature tree canopy size so that the edges of the mature tree canopies do not overlap. Trees are not required to be planted every 30 feet on center and should be planted to take into consideration viewsheds so that buildings and signage are not obstructed. The Director may allow plant and tree clustering subject to approval. Natural turf is not allowed within perimeter landscape buffers.
- B. **Residential.**
 - 1. The minimum number of trees installed at a caliper size of 1.5 inches and height consistent with a 24-inch-box size per the Arizona Nursery Standards, and quantity of shrubs and groundcover shall be provided for each residential front yard as listed in Table 19.11.6-1, Minimum Required Front Yard Landscaping.

TABLE 19.11.6-1, MINIMUM REQUIRED FRONT YARD LANDSCAPING

	# of 24-inch box shade trees	# of 5-gallon shrubs	# of 1-gallon groundcover
Lots equal to or less than 40 feet	1	5	0
Lots greater than 40 feet ¹	2	7	0

Note:

¹Custom homes in designated rural neighborhoods and custom home lots with no design standards shall be exempt from this standard.

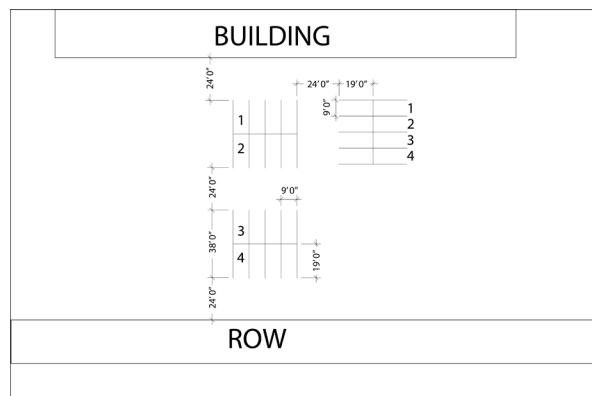
- 2. Alternatives to the above requirements may be approved by the Director. Decisions will be based on the available open soil area in a front yard.

3. The installation of new natural turf in residential front yards is prohibited. See HMC Section 14.14.050.
- C. **Other Areas.** All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with groundcover or other appropriate landscape treatment including, but not limited to, decorative rock or decomposed granite. Up to 10 percent of the required landscape area that is not dedicated to trees or shrubs may be occupied by hardscape materials, provided such areas are shaded by trees, canopies, or other shade devices. The underlying slope of all areas covered with rock mulch shall not exceed 3:1. If the slope exceeds 3:1, rip-rap must be used, which is rock with a diameter of six to nine inches. Alternatives to this may be approved by the Director.
- D. **Landscape Restrictions Within Public or Private Easements.** Landscape planting areas in public or private easements may not be required to provide the minimum number of trees to satisfy the applicable standards of this Section. Large shrubs as identified within the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List shall be required to be substituted at a ratio of one-to-one to offset the reduction in trees within the landscape planting area, in addition to the shrubs planted to satisfy the standard of the applicable section. Alternatives to this may be approved by the Directors of the Community Development and Services and Utility Services departments.
- E. **Landscape Within Right-of-Way.** New natural turf shall not be installed in a median or landscape element within a public or private right-of-way. Landscaping provided within a public or private right-of-way must not conflict with the safe use of the right-of-way, and no plant materials within required sight visibility zones shall exceed 24 inches in height at mature growth.

19.11.6 Parking and Loading Area Landscaping

- A. **Applicability.** The interior parking lot landscaping standards of this section shall apply to all off-street parking lots except those exempted below. They shall not apply to vehicle/equipment storage lots. Perimeter landscaping is required in all parking lots, regardless of size.
 1. Parking lots containing 20 or fewer off-street parking spaces.
 2. Non-residential developments with less than four rows of parking depth. In the instances of double-loaded parking, each individual row of parking will be counted as a single row, whether it is provided as single- or double-loaded parking or any combination of the two. See Figure 19.11.6-A, Non-Residential Development Exemptions.

FIGURE 19.11.6-A, NON-RESIDENTIAL DEVELOPMENT EXEMPTIONS



B. **Relationship to Other Landscaping Standards.** Landscaping provided to meet the parking lot landscaping requirements of this Section may be counted towards meeting a project's required site landscaping but shall not count towards meeting the applicable common open space requirement.

C. **Parking Lot Landscaping.**

1. **Requirements.** Parking lot landscaping shall be provided consistent with Table 19.11.6-2, Required Parking Lot Landscaping. See Figure 19.11.6-A, Divider Medians, and Figure 19.11.6-B, Parking Lot Landscaping, for further detail.
2. **Natural Turf.** No natural turf is allowed within interior parking lot landscape areas. All plant units must comply with the Arizona Nursery Association and the SNWA Water Smart Landscapes Program Plant List.

TABLE 19.11.6-2, REQUIRED PARKING LOT LANDSCAPING

Landscaping Component	Min. Quantity	Location	Min. Interior Dimensions
Terminal Islands	2 large shade trees installed at 24-inch-box size; 4 5-gallon shrubs	Shall be installed at the end of each parking row	Width: 8 ft Length 30 ft
Divider Medians	1 large shade tree installed at 24-inch-box size every 30 linear ft or per the mature tree canopy size; 1 shrub every 100 sf	May be installed between abutting rows of parking if in a continuous strip	8 ft if wheel stops or raised curbs prevent vehicle overhang of the median; 10 ft if vehicle overhang is allowed
Diamonds	1 small shade tree installed at 24-inch-box size ¹ ; shrubs installed per this Code	Shall be provided every 4 spaces, except where divider medians are provided	6 ft
Staggered Islands	1 small shade tree installed at 24-inch-box size ¹ ; shrubs installed per this Code	Shall be provided every 6 spaces	Width: 8 ft Length: 13 ft
Fingers	1 medium shade tree installed at 24-inch-box size; 3 5-gallon shrubs	Shall be provided every 10 spaces around parking lot perimeter	Width: 8 ft Length: 15 ft

Note:

¹ Trees may be omitted from portions of the parking area if covered parking structures are provided that would interfere with trees, as approved by the Director. If the structures are later removed, trees must be installed at that time per the requirements of this Code.

FIGURE 19.11.6-A, DIVIDER MEDIANS

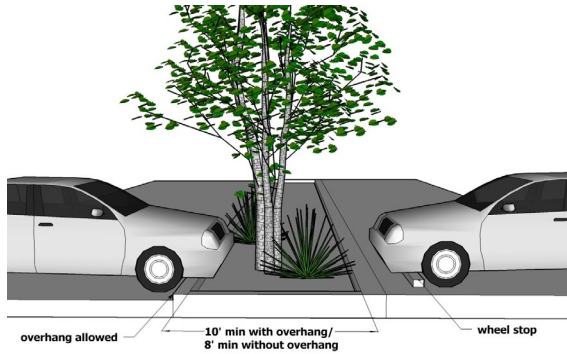
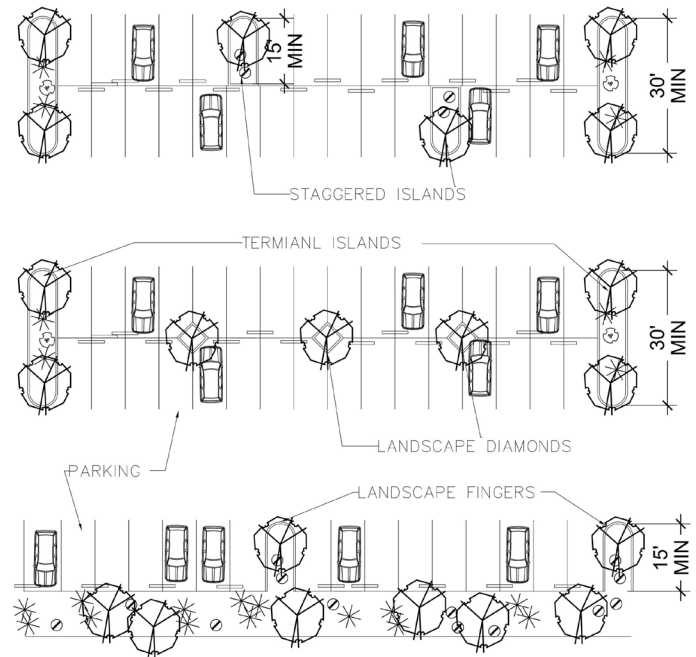


FIGURE 19.11.6-B, PARKING LOT LANDSCAPING

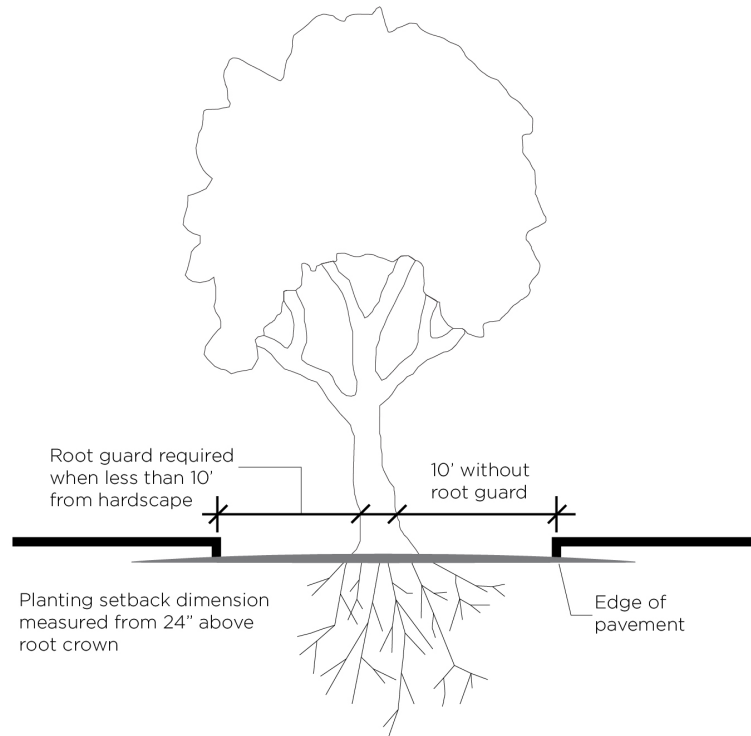


19.11.7 Maintenance

A. Installation.

1. **General.** All landscaping shall be installed according to International Society of Arboriculture (ISA) in a manner designed to encourage vigorous growth. All landscape material and irrigation improvements shall be in place prior to issuance of the final certificate of occupancy unless the Director approves an extension or the applicant provides a landscape bond satisfactory to the Director prior to the extension being granted.
2. **Root Guards.** Root guards shall be installed to protect hardscape from trees planted within 10 feet of public improvements within the public right-of-way in accordance with Figure 19.11.7-A, Required Root Guards. Root guards shall be shown on final stamped landscape drawings submitted as part of the building permit process.

FIGURE 19.11.7-A, REQUIRED ROOT GUARDS



- B. **Maintenance.** Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the City shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:
1. Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices.
 2. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition.
 3. The regular maintenance, repair or replacement, where necessary, of any landscaping required by this section.
- C. **Irrigation.** Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with building permits and shall contain all construction details for an automatic system. A back-flow prevention device shall be provided in accordance with the currently adopted Uniform Design and Construction Standards. Gray-water systems are prohibited per HMC Title 14.

19.11.8 Alternative Compliance

The Director may approve alternative means of compliance to HMC Section 19.11.2, Landscape Plan, only when at least one of the following conditions are met:

- A. Topography, soil, vegetation, or other site conditions prevent full compliance from being feasible;
- B. The site is constrained and/or irregularly shaped;
- C. Due to a change of use on an existing site, the required landscape buffer is larger than can be provided;
- D. Additional environmental quality improvements would result from the alternative compliance; or
- E. Safety considerations make alternative compliance desirable.

Chapter 19.12 Parking and Loading Standards

Sections:

- 19.12.1 Purpose and Applicability
- 19.12.2 General Provisions
- 19.12.3 Required Parking and Loading Spaces
- 19.12.4 Parking Alternatives and Reductions
- 19.12.5 Location of Required Parking
- 19.12.6 Bicycle Parking
- 19.12.7 Loading
- 19.12.8 Parking Area Design Standards

19.12.1 Purpose and Applicability

- A. **Purpose.** This Chapter is intended to help ensure provision of off-street parking and loading facilities in proportion to the parking, loading, and transportation demands of different land uses.
- B. **Applicability.** Every building or land use established or enlarged must provide off-street parking and loading areas consistent with the minimum parking requirements set forth in this Chapter.
 - 1. ***Expansions and Enlargements.*** Additional off-street parking and loading spaces are required to serve only the enlarged or expanded area of a structure, provided that the number of off-street parking and loading spaces provided for the entire use equals at least 75 percent of the minimum parking requirement.
 - 2. ***Change of Use.*** Off-street parking and loading must be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use.
 - 3. ***Phased Projects.*** For projects being developed in phases, the future phases left undeveloped must either be fenced off from vehicular traffic entirely or separated by a six inch curb or other barrier/method as approved by the Director and in no instance may be used as a parking area if left unpaved. If there is intent to use an area planned for future phases as an interim parking lot, that area must be paved and striped consistent with the HMC. Parking lot landscaping is not required within the phased area.
 - 4. ***Exemptions.*** Downtown district parking and loading spaces are exempt from this Chapter.

19.12.2 General Provisions

- A. **Use of Off-Street Parking Areas.**
 - 1. ***Nonresidential Districts.*** Required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, or for the long-term storage of vehicles, motor homes, campers, mobile homes, or building materials.
 - 2. ***Residential Districts.***

- a. Required off-street parking areas are to be used solely for the parking of motor vehicles in operating condition.
- b. In addition to the standard driveway parking spaces provided in conjunction with any single-family residence, one additional off-street parking or storage space for one recreational vehicle or one passenger vehicle may be provided within any front yard or corner side setback area provided any vehicle does not exceed 12 feet in height and 35 feet in length. Such parking or storage space must be finished in concrete, asphalt, or a similar paved surface.

B. Vehicle Stacking Areas. This Subsection applies unless otherwise approved by the Public Works Director.

- 1. **Queuing Studies.** The Public Works Director is authorized to require the submittal of a queuing study prepared by a civil engineer licensed in the state of Nevada when deemed necessary to competently measure the vehicle stacking demands of a proposed use.
- 2. **Minimum Number of Spaces.** Unless otherwise required by the Public Works Director or the Director, off-street stacking spaces must be provided consistent with Table 19.12.2-1, Vehicle Stacking Requirements.

TABLE 19.12.2-1, VEHICLE STACKING REQUIREMENTS

Use/Accessory Use	Minimum Stacking Spaces	Measured From
Bank Teller Lane	4	Teller or Window
Automated Teller Machine	3	Teller
Restaurant, Drive-Through	6	Pick-Up Window
Car Wash Stall, Automatic	4	Entrance
Car Wash Stall, Self-Service; Smog Check Station	3	Entrance
Gasoline Pump	1 at each end of the pump island for each accessible side of the pump	-
Dry Cleaner, Drive-Through	3	Drop-Off/Pick-Up Window
Pharmacy	3	Pick-Up Window
Other	Determined by the Public Works Director based on queuing study	

- 3. **Design and Layout.** Required stacking spaces are subject to the following design and layout standards.
 - a. **Size.** Stacking spaces must be a minimum of eight feet by 20 feet.
 - b. **Location.** Stacking spaces may not impede required fire lanes, on-site or of-site traffic movements, or movements into or out of off-street parking spaces.
 - c. **Design.** Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety. Vehicle stacking areas must also comply with any applicable standards set forth in HMC Title 9, Use Regulations.

C. **Accessible Parking for Persons with Physical Disabilities.** A portion of the total number of required off-street parking spaces in each off-street parking area must be designated, located, and reserved for use by persons with physical disabilities, consistent with the standards in this Subsection.

1. **Number of Spaces.** The minimum number of accessible spaces required is established as a portion of the total number of off-street parking spaces provided, as set forth in Table 19.12.2-2, Accessible Parking Requirements. Accessible parking spaces are counted toward the off-street parking requirement.

TABLE 19.12.2-2, ACCESSIBLE PARKING REQUIREMENTS

Total Parking Spaces Provided	Minimum Number of Accessible Spaces (Including Van-Accessible)	Minimum Number of Van-Accessible Spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1,000	2% of total spaces	1 out of every 6 accessible spaces
>1,000	20 + 1 per each 100 spaces, or fraction thereof, over 1,000	-

2. **Minimum Dimensions.** All accessible spaces must have a minimum eight-foot width and must have an adjacent access aisle as established below.
 - a. **Car-Accessible Spaces.** Car-accessible spaces must have at least a five-foot-wide access aisle located abutting the designated parking space. These access aisles can be shared between two spaces.
 - b. **Van-accessible spaces.** Van-accessible spaces must have at least an eight-foot-wide access aisle located abutting the designated parking space.
3. **Location of Spaces.** Required accessible spaces must be located in proximity to building entrances and must be designed to allow occupants of vehicles to reach the building entrance on an unobstructed path.
4. **Signs and Marking.** Required accessible spaces must be identified with signs and pavement marking identifying them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a minimum height of 60 inches and a maximum height of 72 inches above pavement level. Signs at van-accessible spaces must include the additional phrase “van-accessible.”

19.12.3 Required Parking and Loading Spaces

- A. **Requirements.** The minimum number of required off-street parking and loading spaces are established in Table 19.12.3-1, Parking and Loading Requirements.
- B. **Calculations.** The following rules apply when calculating off-street parking and loading requirements.
1. **Fractions.** When measurements of the number of required spaces result in a fractional number, the result must be rounded up to the next highest whole number.
 2. **Area Measurements.** Unless otherwise stated, all square-footage-based parking and loading standards must be computed based on gross floor area.
 3. **Occupancy- or Capacity-Based Standards.** When calculating parking requirements based on employees, students, residents, or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
- C. **Unlisted Uses.** Upon receiving a development application for a use not listed in this Chapter, the Director is authorized to apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements based on a parking and loading study prepared by the applicant (see HMC Section 19.12.3.G, Parking and Loading Study).
- D. **Reserved Parking.** All required parking spaces must be free, unfettered, and permanently available to all users. They must also be maintained for public-parking purposes only and may be covered or uncovered. Only parking spaces provided in excess of the minimum number of spaces required by this Code may be reserved (covered or uncovered) for specific users.
- E. **Parking within Rights-of-Way.** Parking within the right-of-way is deemed excess parking and does not count toward the minimum parking requirement. Unless otherwise stated, all required parking must be located on the project site of the use or development that the parking is required to serve.
- F. **Passenger Drop-Off Areas.** See HMC Subsection 19.12.8.H, Passenger Drop-Off Areas.
- G. **Parking and Loading Study.** Parking and loading studies must include the following:
1. Estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Community Development and Services Director and the Public Works Director; and
 2. Other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study, as prepared by the applicant, must document the source of data used to develop the recommendations.

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
Residential Uses		
Household Living		
<i>Dwelling, Live/Work</i>	1.5 per DU	-
<i>Dwelling, Multifamily</i>	1.5 per 1-bedroom unit 1.5 per unit in a mixed-use building 2 per 2-bedroom unit and above	-

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
<i>Dwelling, Single-family Attached</i>	2 per DU and 1.0 space of guest parking per dwelling. For dwelling units with a 2-car, 20-foot minimum driveway, 1 space per unit may be satisfied in the driveway. Guest parking may be provided in mid-block bays of up to 12 spaces, in designated lots, or as on-street spaces.	-
<i>Dwelling, Single-family Detached</i>	2 per DU	-
<i>Senior Housing</i>	0.75 per DU	-
<i>Accessory Dwelling Unit</i>	1 per ADU	-
Community Residence	No additional parking beyond the required parking for the specific dwelling type	-
Facility for Transitional Living for Released Offenders	0.25 per room	-
Manufactured/Mobile Home Park or Subdivision	1 per DU, plus 0.25 guest space per unit, within each park or subdivision	-
Short Term Vacation Rental	Based on type of housing unit being rented. See that use type for parking requirements.	-
Travel Trailer/RV Park	See Section 19.12.3.G.	-
Public/Institutional Uses		
Airport or Landing Strip	See Section 19.12.3.G.	-
Cemetery	See Section 19.12.3.G.	-
Club or Lodge	1 per 100 GFA	Group 3
Community Food Services	See Section 19.12.3.G.	-
Cultural Institution	1 per 300 GFA	Group 3
Day Care		
<i>Day Care Center</i>	1 per 500 GFA. Adequate drop-off and pick-up lanes and areas must be provided.	Group 2
<i>Family Home</i>	2 per home	-
<i>Group Child Care</i>	1 per 500 GFA. Adequate drop-off and pick-up lanes and areas must be provided.	Group 2
Detention Facility	See Section 19.12.3.G.	-
Employment & Training Center, Non-Profit	1 per 300 GFA	Group 3
Government Office	1 per 300 GFA	Group 2
Heliport	See Section 19.12.3.G.	-
Hospital	1 per 400 GFA	Group 3

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
Institutional Housing		
<i>Group Living-General</i>	0.5 spaces per room or 200 square feet of gross floor area, whichever is greater	Group 3
<i>Supportive Housing</i>	0.5 spaces per room or 200 square feet of gross floor area, whichever is greater	Group 3
Park and Recreation Facility	See Section 19.12.3.G.	-
Public Safety Facility	See Section 19.12.3.G.	-
Religious Assembly	Whichever is greater(between those that apply): 1 space per 4.5 affixed seats plus 1 space per 50 square feet of assembly area with non-fixed seats; or 1 space per 50 square feet of assembly area with non-fixed seats; or 1 space per 100 square feet of gross floor area.	Group 3
School	Elementary and middle schools: 2 spaces per classroom plus all required drop-off/pick-up spaces. High schools: 1 space per teacher/employee plus 8 spaces per classroom, plus all required drop-off/pick-up spaces.	Group 1
Telecommunication Facility	-	-
Utility, Minor	See Section 19.12.3.G.	-
Utility, Major	See Section 19.12.3.G.	Group 1
Vocational School	4 per classroom plus 1 space per 250 square feet of administrative office space.	-
Youth Drop-In Center	1 per 6-person capacity. Adequate drop-off and pick-up lanes and areas must be provided.	Group 2
Commercial Uses		
Animal Services		
<i>Animal Boarding</i>	1 per 400 GFA	Group 1
<i>Animal Sales and Grooming</i>	1 per 400 GFA	Group 1
<i>Veterinary Clinic/Hospital</i>	1 per 400 GFA	Group 1
Artists' Studio	1 per 400 GFA	-
Bail-Bond Broker	1 per 400 GFA	-
Banquet/Convention Facility	See Section 19.12.3.G.	Group 2
Commercial Recreation and Entertainment		
<i>Cinema/Theaters</i>	1 per 3 fixed seats or 1 per 60 square feet of seating area if no fixed seats	Group 1
<i>Indoor Sports, Recreation, and Entertainment</i>	See Section 19.12.3.G.	Group 1

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
<i>Outdoor Sports, Recreation, and Entertainment</i>	See Section 19.12.3.G.	Group 1
<i>Teenage Dancehalls and Nightclubs</i>	1 per 100 GFA	Group 1
Daily Labor Service	1 per 250 GFA	-
Eating and Drinking Establishment		
<i>Restaurant</i>	1 per 150 GFA	Group 1
<i>Restaurant with Bar</i>	1 per 150 GFA	Group 1
<i>Tavern</i>	1 per 150 GFA	Group 1
<i>Wine Lounge</i>	1 per 150 GFA	Group 1
<i>Artisan's Beer and Wine Room Establishments</i>	1 per 150 GFA	Group 1
<i>Brew Pub/Microbrewery/Craft Distillery/Estate Distillery</i>	1 per 200 GFA	-
Emergency Healthcare Facility	1 per 200 GFA	-
Financial Institution		
<i>Banks and Credit Unions</i>	1 per 250 GFA	Group 2
<i>Check Cashing, Deferred Deposit Service, Vehicle Title Loan, and/or High Interest Loan Facility</i>	1 per 250 GFA	Group 2
Fleet-Based Services	See Section 19.12.3.G.	-
Food Preparation	See Section 19.12.3.G.	Group 1
Funeral and Interment Service	1 per 250 GFA	Group 1
Gaming Establishment		
<i>Nonrestricted Gaming</i>	See Section 19.12.3.G.	Group 1
<i>Restricted Gaming</i>	As required by the primary use	Based on the requirements of the primary use
Hookah/Smoking Lounge	1 per 250 GFA	Group 1
Instructional Service	See Section 19.12.3.G.	-
Laboratory	1 per 500 GFA	Group 1
Maintenance and Repair Service	1 per 300 GFA	Group 1
Marijuana Establishment		
<i>Marijuana, Cultivation Facility</i>	See Section 19.12.3.G.	Group 2
<i>Marijuana, Infusion or Manufacturing Facility</i>	1 per 500 GFA	Group 2
<i>Marijuana, Independent Testing Laboratory</i>	1 per 500 GFA	Group 2

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
<i>Medical Marijuana Dispensary</i>	1 per 250 GFA	Group 2
<i>Retail Marijuana Dispensary</i>	1 per 250 GFA	Group 2
Mini-Storage Facility	5 on the exterior side of the security fence for customers. 1 covered space for exclusive use by each resident manager quarters is required. If truck or trailer rental is conducted as an accessory use, 1 additional space for each rental vehicle is required.	Group 1
Mobile Food Vendor	Max. 5 spaces	-
Office		
<i>Business and Professional</i>	1 per 300 GFA	Group 2
<i>Medical</i>	1 per 300 GFA	Group 2
Personal Service		
<i>General</i>	1 per 500 GFA	Group 1
<i>Dry Cleaning Agency</i>	1 per 500 GFA	Group 1
<i>Massage</i>	1 per 250 GFA	-
<i>Reflexology</i>	1 per 250 GFA	-
<i>Tattoo and Body Alteration Studio</i>	1 per 250 GFA	-
Retail Sales and Service		
<i>General</i>	< 25,000 square feet: 1 per 175 GFA ≥ 25,000 square feet: 1 per 250 GFA except that furniture, appliances, and other large consumer goods: 1 per 500 GFA	Group 1
<i>Auction Facility</i>	1 per 250 GFA	Group 1
<i>Building Materials</i>	1 per 500 GFA plus 1 per 2,500 GFA of outdoor/display area	Group 1
<i>Convenience Store</i>	1 per 250 GFA plus applicable stacked spaces	Group 2
<i>Grocery Store</i>	1 per 250 GFA	Group 1
<i>Liquor Store</i>	1 per 250 GFA	Group 1
<i>Pawnshop</i>	1 per 250 GFA	Group 1
<i>Pawnshop with Vehicles</i>	1 per 250 GFA plus one space for each pawned vehicle proposed to be kept on site.	Group 1
<i>Pharmacy</i>	1 per 400 GFA	Group 1
<i>Plant Nursery</i>	1 per 300 GFA	Group 2
<i>Equipment Rental</i>	1 per 400 GFA	Group 1
<i>Secondhand Goods</i>	1 per 250 GFA	Group 1
<i>Smoke/Tobacco/Vape Shop</i>	1 per 250 GFA	Group 1
<i>Swap Meet</i>	Indoor: 1 per 175 GFA	Group 1

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
	Outdoor: 4 per each retail stall/unit	
Sexually Oriented Business	1 per 250 GFA	-
Vehicle/Equipment Related Uses		
<i>Auto Broker</i>	1 per 300 GFA plus 2 for vehicle storage	-
<i>Vehicle Sales and Leasing</i>	1 per 400 GFA	Group 1
<i>Vehicle Rental</i>	1 per 400 GFA plus 1 for each rental vehicle	Group 1
<i>Equipment Sales, Service, and Rental</i>	1 per 400 GFA plus 1 per 500 GFA of outdoor display area	Group 1
<i>Car Wash, Drive-Through</i>	2 plus applicable stacked spaces	-
<i>Car Wash, Full Service</i>	2 plus 1 per employee plus applicable stacked spaces	Group 1
<i>Car Wash, Self Service</i>	2 plus applicable stacked spaces	-
<i>Gas Station</i>	Applicable stacked spaces	-
<i>Fleet Fueling Station</i>	1 per 500 GFA	-
<i>Service Station</i>	1 per 200 GFA plus 0.5 per service bay plus applicable stacked spaces	Group 1
<i>Smog Check Station</i>	1 per employee plus applicable stacked spaces	-
<i>Vehicle/Equipment Repair</i>	1 per 500 GFA plus applicable stacked spaces	Group 1
<i>Vehicle Storage</i>	See Section 19.12.3.G.	-
Visitor Accommodation		
<i>Hotel/Motel</i>	0.75 per room	Group 1
<i>Recreational Vehicle Resort</i>	1 per each recreational vehicle plus 1 guest space per 10 recreational vehicles	-
<i>Residential Hotel</i>	0.5 per room	Group 1
<i>Resort Hotel</i>	See Section 19.12.3.G.	Group 1
<i>Time-Share Project</i>	1 per room up to 500 plus 1 per 2 rooms over 500 up to 1,000 plus 1 per 4 rooms over 1,000	-
Wedding Chapel	1 per 100 GFA	Group 1
Industrial Uses		
Cogeneration Power Plant	See Section 19.12.3.G.	-
Commercial Laundry		
<i>General</i>	1 per 500 GFA	Group 1
<i>Limited</i>	1 per 500 GFA	Group 1
Communication Facilities	1 per 500 GFA if employees are present	Group 2
Data Center	1 per 500 GFA if employees are present	Group 2

TABLE 19.12.3-1, OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement	Loading Requirement (See 19.12.7)
Concrete Product Production	1 per 1,000 sf of indoor area plus 1 per 2,000 sf of outdoor area plus 1 per 300 sf of accessory use	Group 1
Construction Storage Yard	1 per 7,000 sf of yard up to 42,000 sf plus 1 per 20,000 sf of yard in excess of 42,000 sf	Group 1
Food and Beverage Manufacturing		
<i>Small Scale</i>	1 per 500 GFA	Group 1
<i>Large Scale</i>	1 per 750 GFA	Group 1
Industry		
<i>Custom</i>	1 per 500 GFA	Group 1
<i>General</i>	1 per 750 GFA	Group 1
<i>Limited</i>	1 per 500 GFA	Group 1
<i>Research and Development</i>	1 per 400 GFA	Group 1
Junkyard	See Section 19.12.3.G.	Group 1
Maintenance Service Facility,	See Section 19.12.3.G.	Group 1
Mining and Processing		
<i>General</i>	See Section 19.12.3.G.	-
<i>Short Term</i>	1 space per employee plus 1 space per facility vehicle	-
Recycling Facility		
<i>Collection Facility</i>	See Section 19.12.3.G.	Group 1
<i>Processing Facility</i>	See Section 19.12.3.G.	Group 1
Warehousing, Storage, Wholesaling, and Distribution	1 per 1,000 sf up to 5,000 sf plus 1 per each additional 3,000 sf	Group 1
Agricultural Uses		
Agriculture		
<i>Animal Production</i>	-	-
<i>Crop Production</i>	-	-
<i>Horticulture</i>	-	-
Urban Agriculture		
<i>Community Garden</i>	See Section 19.12.3.G.	-
<i>Indoor Agriculture</i>	See Section 19.12.3.G.	-
<i>Market Garden</i>	See Section 19.12.3.G.	-
Key:		
- = None		
GFA = Gross Floor Area, square feet		

19.12.4 Parking Alternatives and Reductions

- A. **Purpose.** This Section provides alternatives to compliance with the parking regulations established in this Chapter.
- B. **Applicability.** Applicants seeking approval of an alternative parking plan through the Waiver or Administrative Adjustment processes must secure approval of such plan in compliance with this Section. Alternative parking plans may be approved in all zoning districts.
- C. **General.**
 - 1. **Procedure.** Alternative parking plans must be reviewed and approved consistent with HMC Chapter 19.30, Administrative Adjustments.
 - 2. **Recordation of Approved Plans.** An attested copy of an approved alternative parking plan and approval letter must be recorded with the Clark County Recorder. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant must provide proof of recordation prior to approval of a certificate of occupancy.
 - 3. **Violation.** Violations of an approved alternative parking plan constitute a violation of the Code and will be subject to the enforcement and penalty provisions of HMC Chapter 19.35, Enforcement.
 - 4. **Maximum Reduction Allowed.** Total cumulative reductions to the minimum off-street parking requirements through the application of any combination of potential reductions listed in this Section shall not exceed 15 percent as determined by the Director.
- D. **Off-Site Parking.** The Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards.
 - 1. **Ineligible Activities.** Off-site parking may not be used to satisfy the off-street parking requirements for residential uses (except guest parking), restaurants, convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.
 - 2. **Location.** No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote-parking shuttle-bus service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or remote parking shuttle bus service is provided.
 - 3. **Agreement.** In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must guarantee the use of the off-site parking area for at least 10 years. An attested copy of the agreement between the owners of record must be submitted to the Director for review and approval. Recordation of the approved agreement by the applicant must take place before the issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided consistent with Chapter. No use may be continued if the

parking is removed unless substitute parking facilities are provided. The Director must be notified at least 60 days prior to the termination of a lease for off-site parking.

- E. **Shared Parking.** The Director may approve shared parking facilities for development or uses with different operating hours or different peak business periods if the shared parking complies with the following standards.
1. **Location.** Shared parking spaces must be located within 1,000 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.
 2. **Zoning Classification.** Shared parking areas require the same or a more intensive zoning classification than required for the use served.
 3. **Shared Parking Study.** Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis prepared by a qualified professional to the Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Director and be made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 4. **Agreement.** A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Director for review and approval. Recordation of the approved agreement by the applicant must take place before the issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces will be provided consistent with this Chapter.
- F. **Valet Parking.** The Director may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements if the valet parking complies with the following standards.
1. **Valet Parking Plan.** A valet parking plan must be reviewed and approved consistent with design review procedures if a plan was not submitted with the entitlement application that created the development.
 2. **Location.** The valet parking area may not be located within 200 feet of the public entrance of a building within the development. If the parking configuration does not allow compliance with this separation requirement, such as in parking garages, valet parking must be located in the farthest spaces from any public entrance as approved by the Director.
 3. **Maximum Allowed Spaces.** No more than 50 percent of the minimum required parking spaces for the development may be designated for valet spaces.
 4. **Tandem and Stacked Parking.** All parking areas, except allowed tandem and stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle. Stacked parking may be authorized by the Director in valet parking facilities and other parking lots with a parking attendant.
 5. **Drop-Off and Pick-Up Areas.** The development must provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

6. **Direct Access.** Valet parking must be designed so that direct access is not from a public street or alley. Direct access must be provided from an internal drive aisle that serves the development. The valet parking design may not restrict pedestrian and vehicular circulation within the development.
- G. **Compact Parking.** The Director may approve the use of compact parking spaces for up to 15 percent of a parking area if the need for compact parking spaces is supported by a parking study prepared by the applicant. For compact parking space dimensions, see HMC Subsection 19.12.8.A, Parking Space Dimensions.
- H. **Transit Accessibility.** The Director may authorize up to a 10 percent reduction in the number of off-street parking spaces required for uses located within 1,000 feet of an existing bus rapid transit stop and/or a five percent reduction if the developer provides a bus stop with shelter adjacent to the site, including a walkway that connects the bus shelter to the primary building entrance. The applicant must provide confirmation from the RTC that indicates the RTC will use the facility.
- I. **Commuter Ride Lot.** The Director may approve commuter ride lot facilities on a site upon which a principal use is located, or a site where the commuter ride lot is the primary use, if the facility complies with the following standards.
 1. **Commuter Ride Lot Plan.** A Commuter Ride Lot (CRL) Plan shall be reviewed and approved consistent with the design review procedures if a Plan was not submitted with the entitlement application that created the development, if on a shared facility. The CRL Plan must include a justification letter demonstrating compatibility of uses on-site, proposed number and location of parking spaces, lighting, operating hours and peak business parking periods for the principal use and commuter ride lot, vending stands and/or machines not to exceed 120 square feet, operating characteristics of the commuter program (i.e., signage parking stall striping, pick-up and drop-off schedule), landscaping, and screening.
 2. **Location.** Facilities must be located on a street as identified by the Master Transportation Plan and shall be consistent with the following provisions.
 - a. Commuter ride lots must be located on a surfaced and improved off-street parking area for a developed site, or site where the commuter ride lot is the primary use.
 - b. Commuter ride lots shall be located in the nonresidential parking areas of the development.
 - c. No commuter ride lot shall be located within 15 feet of an existing residential dwelling unit on adjacent parcels.
 - d. Commuter ride lots in conjunction with a residential use are prohibited, unless part of a mixed-use development. Commuter ride lots shall not be located on a parcel with a residential zoning designation.
 3. **Ineligible Activities.** Vehicles may not be stored on-site for a period exceeding 24 hours.
 4. **Procedure.** Facilities that exceed the minimum off-street requirement for a developed site shall be reviewed and approved consistent with the procedures established in HMC Chapter 19.24, Design Review. A CUP is required when the commuter ride lot reduced the parking below the minimum off-street parking required for the principal use.
 5. **Agreement for Commuter Ride Lot.** A CRL Plan will be enforced through a written agreement among the owners of record and entity operating the commuter ride lot facility. The agreement must guarantee the implementation, maintenance, and lapse of approval of the CRL Plan. An attested copy of the agreement between the owners of record shall be recorded with the Clark

County Recorder's Office. Recordation of the CRL Plan shall take place prior to submittal of the applicable entitlement application to operate the commuter ride lot facility. A copy of the recorded agreement shall be provided to the Community Development and Services Department.

6. **Violations.** Violations of an approved CRL Plan constitute a violation of the Code and will be subject to the enforcement and penalty provision of HMC Chapter 19.35, Enforcement.
- J. **Special Facilities for Bicycle Commuters.** The Director may authorize up to a five percent reduction in the number of required off-street parking spaces for developments or uses that provide:
 1. Enclosed (indoor or locker), secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided (see HMC Section 19.12.6, Bicycle Parking); and
 2. Employee shower and dressing areas.
- K. **Other Alternatives.** The Director may approve any other parking reduction incentive that reduces the minimum off-street parking requirements in exchange for strategies that will effectively reduce parking demand on the site of the subject development provided the alternative does not result in a modification that is greater than a 10 percent modification of the off-street parking standards. Such alternatives may only be approved if the applicant demonstrates to the satisfaction of the Director that the proposed plan will protect surrounding neighborhoods, maintain traffic-circulation patterns, and promote quality urban design to a greater extent than would strict compliance with the applicable off-street parking requirements.

19.12.5 Location of Required Parking

- A. **Location.** Except as otherwise provided in this Code, required off-street parking and loading spaces must be located on the same lot as the principal use.
- B. **Setbacks.** In the RM, RH, C, or I district, required off-street parking spaces may occupy and be part of the property, except within required landscape areas or sight-distance triangles, or as otherwise provided in this Code.
- C. **Access.**
 1. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion unless it is physically impossible to provide such access. An alley may be used as maneuvering space for access to off-street parking and a 20-foot allowance may be granted for back-up space.
 2. When an off-street parking area does not abut a public street, an access drive of at least 24 feet in width for two-way traffic must be provided, connecting the off-street parking area with a public street. The access drive must be paved in the manner required for off-street parking lots and may not traverse property in a residential district unless the drive provides access to a parking area serving a use allowed in a residential district. Where an access or service drive is such that satisfactory turnaround is not possible, a turnaround must be provided as required by the Fire Chief.
 3. Entrances and exits are subject to the approval of the Public Works Director in compliance with encroachment regulations and the Standard Drawings and Specifications. All driveways must be at least 26 feet from the point of curvature at intersections unless this requirement is waived by the Public Works Director.
- D. **Driveways.**

1. **Widths.**

- a. Driveway entrances must conform to the Standard Drawings and Specifications and must have minimum widths consistent with Table 19.12.5-1, Driveway Width, as measured from back-of-curb to back-of-curb, plus a minimum of 18 inches additional clearance on each side of a vertical obstruction exceeding 0.5 feet in height. For hillside driveway widths, see HMC Section 19.8.4, Hillside Overlay District.
- b. The Director, in consultation with the Public Works Director, may require driveways in excess of these widths where unusual traffic, grade, or site conditions exist. The Public Works Director may require driveways to be constructed with full-curb returns and handicapped ramps, as opposed to simple-curb depression. Private driveways and drive aisles shall comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.

TABLE 19.12.5-1, DRIVEWAY WIDTH

Use Served	Number of Spaces	Minimum Width (ft.)
Residential	6 or fewer	10
	≥7	12 if 1-way
		20 if 2-way
Nonresidential to include DP Districts	24 or fewer	16 if 1-way
		32 if 2-way
	≥25	24 if 1-way
		32 if 2-way

2. **Spacing.** Driveways serving the same parking facility shall comply with the Standard Drawings and Specifications as required by the RTC.
 3. **Visibility.** Sight visibility must be provided at all driveways, side streets, or alleys intersecting a public or private street in compliance with the Standard Drawings and the most recent version of the AASHTO Policy of Geometric Design of Highways and Streets. No structures, vegetation, or visual impediments above a height of 24 inches shall be located within the sight visibility zone.
 4. **Intersection Corner Clearance.** Driveways near the intersections of streets shall comply with the Clark County Uniform Standard Drawings. Exceptions to this requirement must be approved by the Public Works Director.
 5. **Alignment.** Driveway centerline shall be perpendicular to the intersecting street centerline. Driveway throat curbing shall be parallel to the driveway centerline.
- E. **Common Driveways.** Common driveways are required between developing parcels. Exceptions to this requirement must be approved by the Public Works Director or the Director.
- F. **Number of Driveways.** No more than two driveways are allowed along the property frontage of any street. If the driveway spacing cannot be met, then only one drive will be allowed. Additional driveways require approval from the Public Works Director.

- G. **Driveway Spacing.** Driveways into commercial, business park, office complex, and warehouse developments that generate more than 500 vehicle trips per day must be spaced 200 feet centerline to centerline for driveways accessing major collector streets and 300 feet centerline to centerline for driveways accessing minor arterial and greater right-of-way streets.
- H. **Right Turn Lanes.** Right turn lanes may be required for driveways that are projected to have 50 to 99 entering vehicles during the development's peak hour, and right turn lanes will be required for all driveways that are projected to have 100 entering vehicles or more during the development's peak hour. Right turn lanes may also be required as determined by the Public Works Director.
- I. **Driveway Throat Depths.** Driveway throat depths of at least 50 feet are required for all driveways on major collectors. Driveway throat depths of 100 feet are required for all driveways on minor arterial or higher roadway classification. Exceptions to this requirement must be approved by the Public Works Director. Additional throat depth may be required at each driveway generating 100 or more entering vehicles during the development's peak hour as determined by the Public Works-Director.
- J. **Channelized Medians at Median Openings.** Any median opening providing access to a driveway may be closed or channelized with a median in order to restrict the driveway to right-turn or left-turn only movements as determined by the Public Works Director to reduce the risk of any potential traffic hazards.

19.12.6 Bicycle Parking

- A. **Purpose.** Safe and accessible bicycle parking is essential to the City's vision of becoming a Bicycle Friendly Community and providing a multi-modal transportation system. Providing safe and adequate bicycle parking facilities for visitors and employees encourages bicycle commuting and riding throughout the City, ultimately helping to reduce motor vehicle usage and pollution.
- B. **Bicycle Parking Ratios.** Bicycle parking must be provided consistent with Table 19.12.6-1, Bicycle Parking Ratios. For any project over 100,000 square feet in building area, a minimum of 12 long-term spaces and six short-term spaces is required.

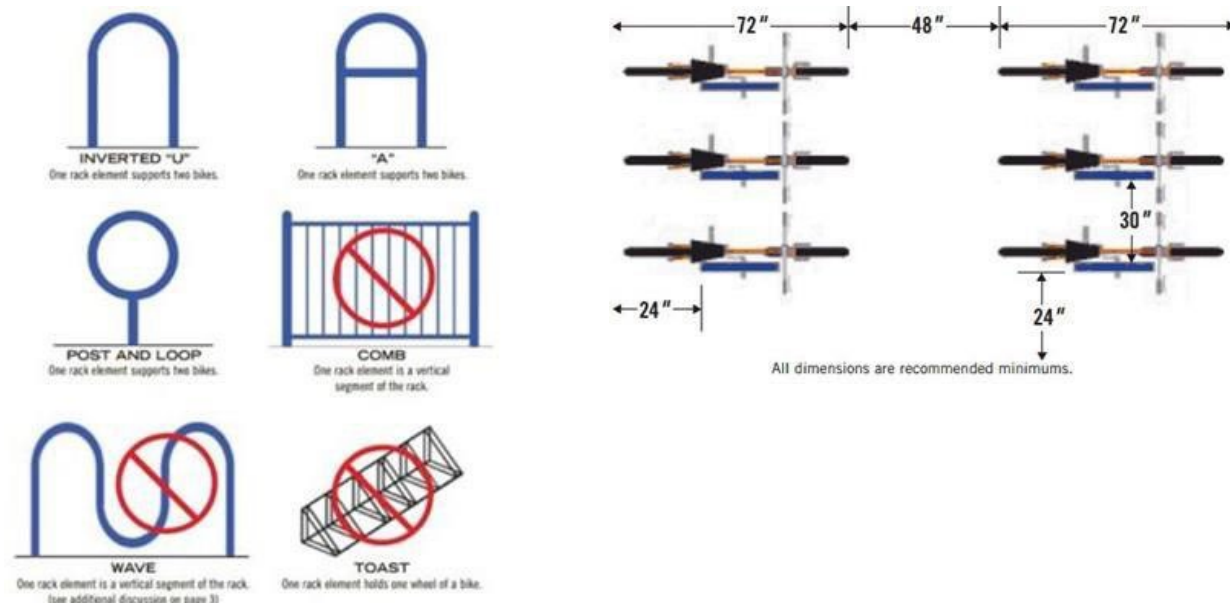
TABLE 19.12.6-1, BICYCLE PARKING RATIOS

Use	Min. Spaces per 1,000 GFA	
	Long-Term	Short-Term
Artists' Studio, Financial Institution, Office	0.20	0.50
Personal Service, Retail Sales and Service	0.10	1.00
Eating and Drinking Establishment	0.10	1.00
Commercial Recreation and Entertainment	0.05	0.50
Religious Assembly	0.05	0.50
Industrial Uses	0.05	NA
Hospital	0.10	0.10
School, Vocational School	0.10	0.20
Other	Determined by the Director	

- C. **General Requirements.** Bicycle parking must comply with the following general requirements.
 - 1. **Design.** Bicycle racks must:

- a. Support the frame of the bicycle at two places;
 - b. Be constructed so that bicycles can be parked and secured on both sides of the rack;
 - c. Allow the frame and one wheel to be locked to the rack when both wheels are left on the bicycle; and
 - d. Allow the frame and both wheels to be locked to the rack if the front wheel is removed.
 - e. Inverted U, post and loop, or A type bicycle rack designs are preferred (see Figure 19.12.6-A, Bicycle Rack Designs), but the Director may consider alternatives consistent with this Subsection.
2. **Location.** Bicycle parking spaces:
- a. Must be provided centrally located on the site;
 - b. Must be provided in front of buildings, where possible
 - c. Must be distributed throughout the site; and
 - d. May not block entrances or interfere with pedestrian traffic flow in or out of a building. If placed on a sidewalk or within a pedestrian walkway, a minimum of 5 feet clear space must be maintained.
 - e. The Director may approve alternate location(s) with sufficient justification.
3. **Placement.** Bicycle parking spaces must include a minimum of 30 inches between each space when mounted in a row to allow for accessibility without having to move another bicycle. If multiple rows of bicycle racks are installed, a minimum aisle width of 48 inches measured from tip to tip of each bicycle tire between each row must be provided See Figure 19.12.6-B, Bicycle Rack Row Parking.

FIGURE 19.12.6-A, BICYCLE RACK DESIGNS FIGURE 19.12.6-B, BICYCLE RACK ROW PARKING



- D. **Requirements Specific to Type.** Bicycle parking must comply with the following supplemental requirements specific to each type of parking space.

1. **Short-term Spaces.**
 - a. Spaces must be provided on-site and placed either within 50 feet of the primary entrance(s) of the building(s) and/or tenant(s) they are intended to serve, and/or adjacent to a trail corridor where applicable, or as otherwise approved by the Director.
 - b. Spaces must be located outside the clear area.
 - c. Spaces must be highly visible and easily accessible.
2. **Long-term Spaces.** Long-term spaces may be inside or outside the building as long as they are enclosed and covered in a secure location.

19.12.7 Loading

- A. **Loading Spaces Required.** Off-street loading spaces must be provided in compliance with Table 19.12.7-1, Off-Street Loading Requirements.

TABLE 19.12.7-1, OFF-STREET LOADING REQUIREMENTS

Gross Floor Area	Minimum Number of Spaces Required	
	Type A	Type B
Loading Group 1 ¹		
0 – 5,000 sq. ft.	NA	NA
5,001 – 15,000 sq. ft.	NA	1
15,001 – 50,000 sq. ft.	NA	2
> 50,000 sq. ft.	NA	3
Loading Group 2		
0 – 10,000 sq. ft.	1	NA
10,001 – 20,000 sq. ft.	NA	1
> 20,000 sq. ft.	1	1
Loading Group 3		
0 – 30,000 sq. ft.	NA	1
30,001 – 100,000 sq. ft.	NA	2
> 100,000 sq. ft.	NA	3

Note:

1 All industrial uses subject to the Group 1 loading requirements must provide separate truck parking areas when 3 or more trucks are permanently parked on site. The separate parking area is subject to the requirements for min. number of spaces and size established in this Table (e.g., a 55,000 sq. ft. structure must provide 3 permanent off-street parking spaces that meet the size requirements in Type B).

- B. **Space Size.**

1. Type A. 10-foot minimum width, 20-foot minimum length, and 10-foot minimum vertical clearance.
 2. Type B. 12-foot minimum width, 35-foot minimum length, and 14-foot minimum vertical clearance.
- C. **Design and Location Requirements.**
1. At no time may goods be loaded or unloaded from the right-of-way of a collector or arterial street.
 2. No part of any vehicle may extend into the right-of-way of a collector or arterial street or block any public sidewalk while being loaded or unloaded.
 3. On a site adjoining an alley, a required loading space must be accessible from the alley unless alternate access is approved by the Public Works Director.
 4. A required loading space must be accessible without backing a vehicle across a street property line unless the Public Works Director determines that provision of turnaround space is infeasible and approves alternate access.
 5. A loading space must not intrude into any portion of a required drive aisle, ADA-accessible route, or fire lane.
 6. An occupied loading space must not prevent access to a required parking space.
 7. Loading spaces must be designed so that parking maneuvers, such as backing into the loading area, do not occur in the public right-of-way.
 8. A maximum of 50 percent of the height of the door associated with exterior loading areas and service yards is allowed to be visible from the public right-of-way.
 9. Loading areas and service yards must be located at the sides and rear of buildings, excluding corner sides.
 10. Loading spaces must be located a minimum of 50 feet from any property with a residential land use.
 11. Required off-street loading spaces must be on the site of the use served or on any adjoining site and must not be located in a required setback.
- D. **Surfacing and Maintenance.** Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights unless otherwise approved by the Public Works Director.

19.12.8 Parking Area Design Standards

- A. **Parking Space Dimensions.** Required off-street parking spaces shall comply with the requirements established in Table 19.12.8-1, Parking Space Dimensions.

TABLE 19.12.8-1, PARKING SPACE DIMENSIONS

Use	Type of Space	Dimensions (ft.)
Residential	In Garage/Carport	See HMC Subsection 19.12.8.J

TABLE 19.12.8-1, PARKING SPACE DIMENSIONS

Use	Type of Space	Dimensions (ft.)
Nonresidential	Uncovered	9 x 19 ¹
	Angle	9 x 19 ¹
	Uncovered	9 x 18
All	Parallel	8 x 23
	Compact ^{2,3}	8.5 x 18

Notes:

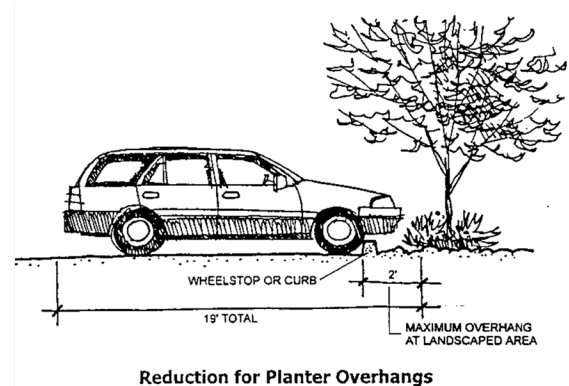
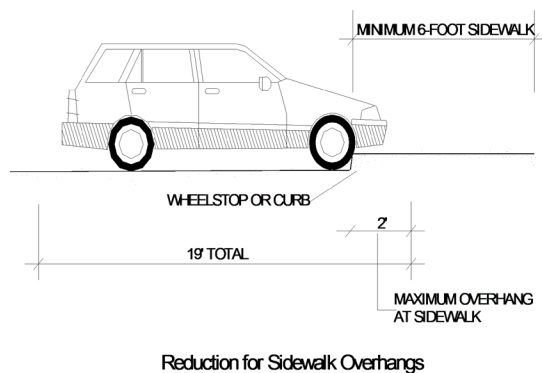
1 When spaces are rotated at an angle less than 90 degrees, the Director may require that space depths perpendicular to the drive aisle increase by up to 1 foot.

2 Compact parking spaces must be designated by signs or other approved markings.

3 For compact parking reduction incentives, see Section 19.12.4.G.

- B. **Vertical Clearance.** All off-street parking spaces must have a minimum overheard vertical clearance of seven feet, except as specified below.
1. **Entrances.** An entrance may have a minimum vertical clearance of 6.67 feet.
 2. **Residential Uses.** The front five feet of a parking space serving a residential use may have a minimum vertical clearance of 4.5 feet.
 3. **Fire Lanes.** Required fire lanes must have a minimum vertical clearance of 13.5 feet.
- C. **Reduction for Planter and Sidewalk Overhangs.** When a parking space abuts a landscape island or planter, the front two feet of the required parking space length may overhang the planter, provided that wheel stops or curbing are provided. No more than 25% of the provided parking spaces may overhang the landscape island or planter. See Figure 19.12.8-A, Parking Space Overhangs.

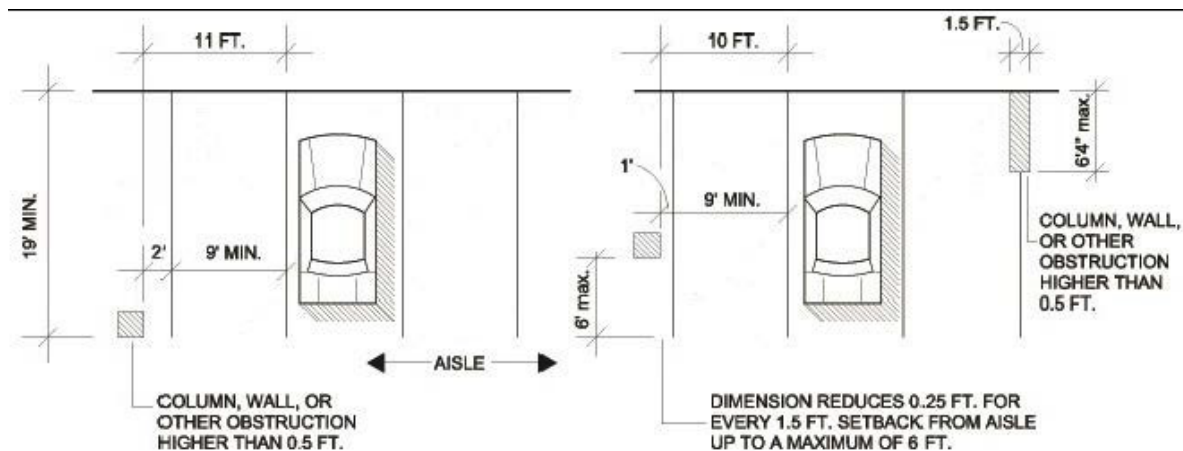
FIGURE 19.12.8-A, PARKING SPACE OVERHANGS



- D. **Spaces Near Obstructions.** When the side of a parking space adjoins a wall, column, or other obstruction taller than six inches, the width of the parking space must be increased by two feet on the obstructed side, provided that the increase may be reduced by three inches for each 18 inches up to a maximum of six feet of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space. This provision does not apply to support columns located along the front third of a

parking space in a parking garage or under a carport, provided the column encroaches no more than nine inches into the parking space. See Figure 19.12.8-B, Spaces Near Obstructions.

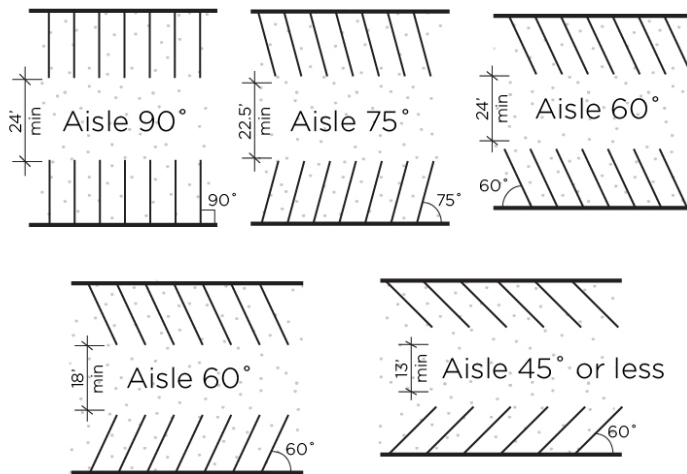
FIGURE 19.12.8-B, SPACES NEAR OBSTRUCTIONS



- E. **Aisle Widths.** Aisle widths adjoining off-street parking spaces must comply with the requirements established in Table 19.12.8-2, Minimum Aisle Width for Specified Parking Angle, and the standards below. See Figure 19.12.8-C, Minimum Aisle Widths.
1. ***Fire Lanes.*** Required fire lanes must have a minimum width of 24 feet. Aisles designed for two-way traffic must have the minimum width established in Table 19.12.8-2, Minimum Aisle Width for Specified Parking Angle, or 20 feet, whichever is greater.
 2. ***Parking Bays.*** At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle must extend two feet beyond the required width of the parking space.

TABLE 19.12.8-2, MINIMUM AISLE WIDTH FOR SPECIFIED PARKING ANGLE

Increase in Parking Space Width (ft.)	90 Degrees	75 Degrees	60 Degrees	45 Degrees or Less
0.00	24 ft.	22.5 ft.	18 ft.	13 ft.
0.50	23 ft.	20.5 ft.	-	-
1.00+	22 ft.	-	-	-

FIGURE 19.12.8-C, MINIMUM AISLE WIDTHS**F. Markings.**

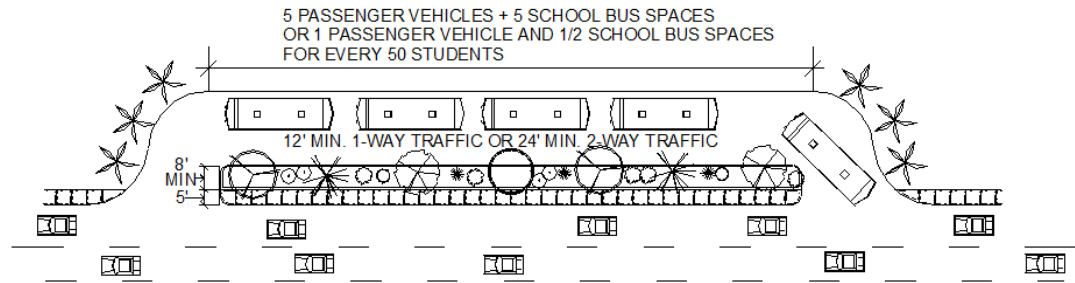
1. Each required off-street parking space and off-street parking facility must be identified by surface markings (e.g., striping, directional arrows, lettering on signs and in handicapped-designated areas, and field color) and must be maintained in a manner that is visible and accessible at all times. Such markings must be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. One-way and two-way access into required parking facilities must be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street must be marked with a traffic separation stripe the length of the access. This requirement does not apply to aisles.

G. Surfacing and Maintenance. All off-street parking areas must be paved and kept in a dust-free condition at all times.**H. Passenger Drop-Off Areas.**

1. All public and private schools, day care centers, group childcare, institutional uses, and recreational uses must provide an onsite area for drop-offs and pick-ups.
2. A traffic circulation plan must be submitted to the Director and the Public Works Director for review and approval prior to issuance of any permits for the use. The traffic circulation plan must describe proposed measures for ensuring safe and efficient traffic circulation on site and in the area surrounding the subject site. The plan must also include information about the number of enrollees or users, the hours of operation and peak loading and unloading times, the projected number of vehicles that will be using the loading and unloading area, plans for directing traffic within the area and other safety measures, and other information deemed necessary by the Director and the Public Works Director.
3. Required drop-off and pick-up areas for public or private schools must include at least five automobiles and five school bus spaces, or one automobile and 0.5 school bus spaces for every 50 students, whichever results in the greater number of spaces. No more than 12 automobile or bus spaces are required for any size school facility. Required drop-off/pick-up area for day care uses must provide at least one drop-off/pick-up space and maneuvering area to allow

vehicles to drop-off/pick-up children and exit the site without backing out onto a public street identified on the Master Transportation Plan, consistent with Figure 19.12.8-D, Drop-Off Loading Areas, and Community Development and Services and Public Works Departments' approval.

FIGURE 19.12.8-D, DROP-OFF LOADING AREAS



4. Drop-off and pick-up areas may be adjacent to a primary driveway access or aisle, but they must be located far enough off the roadway so that they do not cause traffic to stop. Exceptions to these standards may be allowed only as approved by the Director and Public Works Director.
 5. Minimum widths for drop-off areas combined with access drives are 12 feet for one-way traffic and 24 feet for two-way traffic.
 6. Drop-off and pick-up areas for schools public or private adjacent to the public right-of-way are required to maintain an eight-foot minimum separation from the right-of-way to the drop-off and pick-up areas.
- I. **Parking Garages.** This Section applies to all parking garages in all zoning districts except as otherwise stated.
1. **Exterior Design.**
 - a. **Appearance and Materials.**
 - i. Exterior walls of parking garages that are visible from public rights-of-way must be architecturally designed to integrate and be compatible with other buildings on the site. Blank walls are not allowed.
 - ii. Vertical and horizontal design elements, such as off-sets, reveals, projecting ribs at least one-foot wide must be incorporated into the exterior façade design in order to break up the apparent mass and create a repeating pattern at or no greater than 30 feet.
 - iii. The exterior façade must maintain a horizontal line on every level or floor.
 - iv. Stairwells must be constructed internal to the building.
 - v. Interior lights must be shielded so they are not visible from the exterior.
 - vi. Exterior lights on the top deck shall be architecturally integrated with the building or mounted on poles no taller than 14 feet.

- b. **Enclosures.** Each level of the parking garage, including the ground level, must maintain a solid and continuous wall of at least 42 inches in height, as measured from the driving surface of each level.
 2. **Pedestrian Access.** Pedestrian access to stairways, elevator lobbies, vestibules, or passageways that lead directly to parking aisles within the garage must be clearly distinguished from vehicle entrances and exit points, using signage, awnings, and lighting.
 3. **Vehicular Access.** Vehicular access shall be from a major street or the street where primary access to the site occurs.
 4. **Crime Prevention Requirements.**
 - a. All underground parking areas must include functioning emergency call boxes.
 - b. All underground parking interior walls must be painted white.
 - c. All residential parking within a mixed-use development must have controlled access.
 - d. Areas beneath stairwells must be fully enclosed or restricted access.
 - e. All stairwells must be lit with two MMFC at all times.
 - f. Public restrooms are not allowed in parking structures.
 5. **Adaptive Reuse.** Any above grade parking garage built to provide 250 or more parking spaces must meet the following standards for adaptive reuse to acknowledge the potential future decrease in parking need.
 - a. Ground floor height shall be a minimum of 15 feet.
 - b. Upper floor heights shall be a minimum of 12 feet, or the height determined by mechanically stacked parking.
 - c. Light wells shall be provided between parking bays and shall have a minimum width of 25 feet.
 - d. All floors of the parking garage shall be designed as flat surfaces.
 - e. The structural calculations for the floors within the parking garage shall be designed to take into account the need for additional load-carrying capacity for future uses (e.g., conversion to multi-family residential use).
- J. **Garages and Carports in Residential and Mixed-Use Districts.** The following standards apply to driveways, garages, and carports in all R, MC, MN, and MR zoning districts, whether they are accessory structures or part of a principal structure.
 1. **Driveways.** Driveways must be paved in in compliance with the Standard Drawings and Specifications and must be consistent with HMC Subsection 19.12.5.D, Driveways.
 2. **Garage Dimensions.** Residential garages must be consistent with the minimum interior dimensions identified in Table 19.12.8-3, Garage Dimensions, and the following standards. For tandem garage stalls, the minimum dimensions must be consistent with the 1-Car Garage standards.

TABLE 19.12.8-3, GARAGE DIMENSIONS

Garage Type¹	Minimum Interior Dimensions (width×length)²
Without Appliances³	
1-Car Garage	10 x 22
2-Car Garage	20 x 22
3-Car Garage	27.5 x 22
With Appliances at Side³	
1-Car Garage	14 x 22
2-Car Garage	23 x 22
3-Car Garage	31.5 x 22
With Appliances at Front, Rear, or Corner³	
1-Car Garage	10 x 24
2-Car Garage	20 x 24
3-Car Garage	27.5 x 24

Notes:

1 Steps may be placed in a garage; however only one step may encroach into the required parking areas.

2 No interior door may open into garage space unless the door will fully open without encroaching into the areas.

3 Appliances include but are not limited to water heaters, water softeners, and washers/dryers. If appliance alcoves are provided outside the required parking area, garage dimensions can be reduced to the “without appliances” standards.

3. ***Carport Dimensions.*** Carports must be at least nine feet by 18 feet, measured from the inside face of support to the inside face of opposite support. The carport roof must cover the entire 18-foot length of the space and the carport shall not extend into or over a fire lane.
 4. ***Size.*** Detached garages and carports for multi-unit buildings shall be limited to eight spaces per structure to avoid a continuous row of carports or garages. No more than eight garage doors may appear on any multifamily building elevation containing front doors.
 5. ***Location.*** To the maximum extent feasible, detached garages, carports, and garage entries shall not be located between a multiple-family building and an adjacent perimeter street but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.
 6. ***Design.*** The plane of garage doors, in groupings or singularly, shall be offset and/or separated from the planes of adjacent garage doors to visually and physically break the expanse of rows of doors.
- K. **Parking Areas in Industrial Districts.** In addition to the standards in this Section, parking areas in industrial districts must be consistent with this Subsection.

1. Pedestrian walkways shall be separated from parking areas to reduce conflicts between vehicular and pedestrian traffic, and entry drives on larger projects should include a minimum five-foot landscaped median to separate incoming and outgoing traffic.
 2. Site designs shall disperse parking areas as opposed to creating a singular expanse of pavement. For buildings with separate tenant entrances, the required parking shall be distributed throughout the site for the convenience of employees and visitors.
 3. Parking areas shall be minimized when adjacent to intersections.
 4. Surface parking lots must use at least two different paving materials (e.g., concrete pavers, stabilized granite and paving materials with textural and color variations) to help relieve monotonous expanses of asphalt and improve the growing environment for plant material.
 5. Parking and utility screening should follow the common exterior wall treatment for the development complex or be coordinated with the building design.
 6. Shaded and covered parking areas and pedestrian walkways are encouraged.
- L. **Off-Street Parking Area Screening.** Off-street parking areas must be screened in compliance with HMC Section 19.10.7, Screening Requirements.

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Chapter 19.13 Signs

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- 19.13.2 General Restrictions for Signs
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- 19.13.7 Enforcement
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19.13.1 Purpose and Applicability

- A. **General.** This Chapter is the primary tool for implementing the City's sign policies consistent with the provisions of applicable federal, state, and local requirements.
- B. **Purpose.** This Chapter has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the Henderson Strong Comprehensive Plan. This Chapter promotes the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:
 - 1. Ensure that all signs support the desired ambience and development patterns of the various districts within the City;
 - 2. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
 - 3. Ensure pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
 - 4. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained;
 - 5. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and
 - 6. Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.
- C. **Applicability.**
 - 1. This Chapter applies to all signs within the City regardless of their nature.
 - 2. The provisions of this Chapter shall be applied in a content-neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the

provisions of this Chapter. “Non-communicative aspects” include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

3. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
4. Signs shall be constructed and permitted in compliance with HMC Title 15, including the technical codes adopted therein. Certain temporary signs are also subject to the registration requirements set forth in Section 19.13.6.B.1 of this Chapter. **Master Sign Plan.** Proposals seeking modifications to the sign regulations of this Chapter may apply for a master sign plan in compliance with HMC Section 19.25, Master Sign Plans.
5. **Exempt Signs.** The following are not regulated under this Chapter, do not count toward the maximum total sign area for all permanent signs, and do not require a registration:
 - a. **Government and Legally Required Signs.** Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
 - i. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements per HMC Section 19.14.15, Building Addressing;
 - ii. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
 - iii. Traffic signs erected and maintained by an authorized public agency;
 - iv. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance;
 - v. Signs directing the public to points of interest; and
 - vi. Signs showing the location of public facilities.
 - b. **Other Exemptions.**
 - i. Numerals and letters identifying an address, suite number, or hours of operation.
- D. **Substitutions and Interpretations.** This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the need for any approval, registration or permit, provided that the sign is otherwise permissible under this Chapter. If a commercial message is substituted for any other commercial message, a permit may be required pursuant to HMC Title 15 . To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.
- E. **Severability.** If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair,

or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

19.13.2 General Restrictions for Signs

- A. **Prohibited Signs and Sign Characteristics.** The following are prohibited except for governmental, safety, or traffic-related signage.
1. Stuffed or inflated objects or other attention-getting devices used as signs;
 2. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, feather flags/banners, or other devices affected by the movement of the air or other atmospheric or mechanical means;
 3. Commercial Sign walkers or spinners;
 4. Roof-mounted signs and signs mounted on a structure on the roof or projecting above a parapet;
 5. Signs within, on, or projecting over public property including rights-of-way except those signs approved as part of an event permit issued by the City or banner signs permitted by the City on light poles in certain zones within the City;
 6. Any sign attached to any public utility pole, structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of an event permit issued by the City or banner signs permitted by the City on light poles in certain zones within the City;
 7. Signs in any location that obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
 - a. All signs must also be located outside of the sight visibility zone per the Standard Drawings and shall be shown on a site plan at the time of any applicable permit review in compliance with this Code and HMC Title 15.
 8. Any sign which hangs over or placed upon, obstructs, blocks, or interferes with the use of any sidewalk, trail, walkway, drive aisle, street, highway, or median/divider;
 9. Signs in any location that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the HMC Title 15, or by Fire Department regulations (currently in effect);
 10. Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business;

11. Signs painted, attached, or mounted on fuel tanks, storage containers, and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
12. Signs in areas where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature unless otherwise approved with a Master Sign Plan;
13. Signs tacked, pasted, or otherwise affixed to the walls of any building, barn or shed, accessory structure, or on trees, poles, posts, fences, ladders, or other structures;
14. Painted-on wall signs, except;
 - a. Signs painted on exterior walls of buildings that are included in a master sign plan approved by the Commission or the Council.
15. Signs that flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors;
16. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter and clocks are excepted from this restriction;
17. Signs that could be confused with emergency vehicle lights or that interfere with, obstruct, or mislead traffic;
18. Strings of lights used as a commercial sign;
19. Any sign that is placed on any property without the consent of the property owner. This includes any sign placed on City property or within City right of way without the approval of the City.
20. Any other signs not specifically allowed by the provisions of this Chapter.

19.13.3 General Sign Regulations

The general sign regulations of this Section are applicable to all allowed signs unless otherwise expressly stated. For sign area and height measurements, see HMC Section 19.13.8, Sign Interpretations and Measurements.

- A. **Property Owner's Responsibility.** Each property owner is responsible for proper permitting/registration, installation, and maintenance of all signs on their property.
- B. **Sign Illumination.** Lighted signs or lighting devices must be directed or beamed in a manner that does not cause glare or illuminate a public street, highway, sidewalk, or adjacent premises to a degree that may constitute a traffic hazard or nuisance.
 1. Channel letter signs or pan channel letter signs may be illuminated internally or by logo or silhouette lighting.
 2. Cabinet signs must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols.
 3. All light sources must be shielded from view.
 4. Electronic message signs are subject to the following regulations:
 - a. *Brightness.*

- i. **Illumination Measurement Criteria.** The illuminance of an EMS shall be measured with an illuminance meter set to measure foot-candles, accurate to at least two decimals. Illuminance shall be measured with the EMS off, and again with the EMS displaying a white image for a full color-capable EMS, or a solid message for a single-color EMS.
 - ii. **Illumination Limits.** The difference between the off and solid-message measurements shall not exceed 0.3 foot-candles at night.
 - iii. **Dimming Capabilities.** All permitted EMS shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
 - b. ***Message Duration.*** Each video message or image display cycle must be completed in no more than eight seconds.
 - c. ***Message Transition.*** The transition from one message or image display cycle to the next must be accomplished in one second or less during which the screen is black or all images remain still. The transition must not employ special effects such as fade, fly-in, dissolve, or repixelization.
 - d. ***Hours of Operation.*** EMS must be programmed to display a static message from 10:00 p.m. until 6:00 a.m. Static messages must have a minimum duration of 20 seconds or more during such hours and must conform to other applicable standards of this Subsection. This regulation does not apply to billboards.
 - e. ***Default Image.*** EMS must have a default design or image that will freeze in one position if a malfunction occurs. If a partial or incomplete message freezes or remains static on the sign due to a technical malfunction or a portion of the display face malfunctions, the sign's illumination must be turned off until the sign is repaired.
- C. **Structure and Installation.** All signs and advertising structures shall be designed to comply with the provisions of this Chapter and applicable provisions of HMC Title 15 and constructed to withstand wind loads, dead loads, and lateral forces.
- 1. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.
 - 2. Where electrical service is provided to freestanding signs or landscape/masonry wall signs, all such electrical service shall be placed underground and be concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A sign construction permit pursuant to HMC Title 15 shall be issued prior to installation of any new signs requiring electrical service.
 - 3. All permanent signs allowed by this Chapter shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
 - 4. Raceway cabinets shall only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Director determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway cabinet shall not extend in width and height beyond the area of the sign and shall match the color of the building

to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business.

5. Any temporary or permanent sign larger than 32 square feet shall obtain a sign construction permit prior to installation in compliance with HMC Title 15.
- D. **Design.** Signs should be designed to complement the architectural design and building materials used on principal buildings on the site. Signs should be properly maintained have distinctive high-quality materials and design elements including:
1. Ceramic tile—painted or sandblasted;
 2. Wood—carved or sandblasted;
 3. Metal—formed, etched, cast, or engraved;
 4. Brick or stone with recessed or raised lettering; or
 5. Other similar high-quality, exterior-grade materials approved by the Director.
- E. **Maintenance Required.** All signs shall be maintained by the property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a sign, building, structure, or parcel of land, in a condition or state of equivalent quality to which was approved or required by the City.
1. All signs and sign supports, including decorative covers, must be maintained in a clean, safe like-new condition. Any damage, including weathering, resulting from wind or any other natural or artificial cause, must be repaired immediately.
 2. Failure to maintain a sign constitutes a violation of this Chapter. The Director, the Building Official or their designee has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section, through the procedures of HMC Section 19.13.7, Enforcement.
 3. Signs must be maintained in a graffiti-free condition.
 4. Allowed banners and flags must be repaired or replaced when the surface area is frayed, torn, or damaged.
 5. The display area of all painted signs must be kept neatly printed or posted at all times. Any painting, fading, chipping, peeling, flaking paint or plastic, and mechanical or structural defect must be repaired immediately or the sign must be removed.
 6. Paint or debris associated with signs may not litter public property or public rights-of-way.

19.13.4 Permanent Sign Standards

- A. **Permanent Sign Types.**
1. Table 19.13.4-1 lists the allowed sign types and identifies the zoning district in which individual sign types are allowed. The table includes cross-references to the applicable standards for each sign type.
 2. Any sign type allowed in Table 19.13.4-1, Allowed Sign Types, may be established on any lot within the zone, subject to a Sign Permit in compliance with HMC Title 15.

TABLE 19.13.4-1, ALLOWED SIGN TYPES

Sign Type	Residential Districts	PS	Commercial Districts	Mixed-Use Districts	Industrial Districts	Sign Standards
Awning or Canopy	-	-	A	A	A	HMC Section 19.13.4.B.1
Blade	-	A	A	A	-	HMC Section 19.13.4.B.2
Electronic Message	-	A	A	A	A	HMC Section 19.13.4.B.3
Freestanding						
Monument	A	A	A	A	A	HMC Section 19.13.4.B.4
Pylon	-	-	A	A	-	
Landscape Wall	A	A	-	-	-	HMC Section 19.13.4.B.5
Projecting	-	-	A	A	A	HMC Section 19.13.4.B.6
Wall	A	A	A	A	A	HMC Section 19.13.4.B.7
Window	-	A	A	A	A	HMC Section 19.13.4.B.8

Key:

A = Allowed

- = Not allowed

- B. **Permanent Sign Standards.** Signs shall comply with the standards for sign area, height, number, type, and other considerations as specified below.

1. *Awning or Canopy Signs.*

TABLE 19.13.4-2, STANDARDS FOR AWNING OR CANOPY SIGNS



Standard	
Max. Area	6 sq.ft. on the border (valance) ¹
Illumination	Not allowed
Note: ¹ Does not count toward overall wall signage total for the site.	

2. *Blade Signs.*

TABLE 19.13.4-3, STANDARDS FOR BLADE SIGNS



Standard	
Max. Area	12 sq. ft.
Min. Vertical Clearance	8 ft.
Placement	If mounted below the underside of a walkway or overheard structure, must not extend beyond the edge of the structure on which it is located.
	Must be mounted perpendicular to the building face or corner of the building.
Illumination	May be illuminated through internal or external means, using indirect or shielded fixtures and bulbs

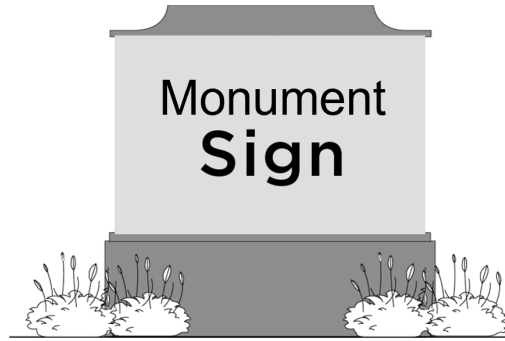
3. *Electronic Message Signs (EMS).*

TABLE 19.13.4-4, STANDARDS FOR ELECTRONIC MESSAGE SIGNS

Standard	
Max. Area of EMS component	50% of the sign's total area
Max. Height of EMS component of freestanding sign	12 ft.
Spacing	The face of an EMS is prohibited within 250 ft. of a building containing a residential use unless there is an intervening building that completely blocks the visibility of the proposed sign face from the residential use or dwelling unit. EMS that do not face a residential use are exempt from this spacing requirement provided all other requirements are met. Except for those properties with the G overlay designation, this requirement may not be waived or modified/reduced.
	An EMS is prohibited within 250 feet of another EMS.
Other Requirements	Freestanding EMS must be mounted on a base with a width that is at least 75% of the width of the sign's face
	The sign face must be oriented away from residential uses and districts.

4. *Freestanding Signs.*

TABLE 19.13.4-5, GENERAL STANDARDS FOR MONUMENT SIGNS BY ZONING DISTRICT



Standard	Single-Family Residential	Multi-Family Residential	Commercial Districts ^{1, 3}	Mixed-Use Districts ^{1, 3}	Industrial Districts ^{1, 3}
Max. Area	100 sq. ft. total per entrance ⁴	100 sq. ft. total per entrance ⁴	80 sq. ft. ²	64 sq. ft. ²	64 sq. ft. ²
Max. Height	6 ft.	6 ft.	8 ft.	8 ft.	8 ft.
Number of Signs	2 per roadway ⁵	2 per roadway ⁵	2 per 500 ft. of street frontage or fraction thereof	2 per 1,000 ft. of street frontage or fraction thereof	2 per 500 ft. of street frontage or fraction thereof
Sign Placement	Front Setback: 15 ft.; Interior Side Setback: 5 ft.; Corner Side Setback: 15 ft.; Rear Setback: 5 ft.				
	Signs may not encroach on any required sight visibility zone.				
Separation	-	-	From others on same site: 100 ft.; From others on adjacent sites: 40 ft.		
Directory Signs					
Max. Area	24 sq. ft.				
Max. Height	6 ft.				
Number of Signs	1 in addition to other allowed signs per building in development or 2 per driveway, whichever is less				

Notes:

1 Standards for multi-tenant developments may be modified per Table 19.13.4-6, Standards for Freestanding Signs in Multi-Tenant Developments.

2 Signs may be increased by 2 sq. ft. for each additional 1 ft. the sign is setback from the required min. setback up to max. 30 sq. ft. This standard does not apply to freestanding signs abutting a residential use.

3 On lots that abut residential uses, signs must be set back min. 40 ft. plus a distance equal to one-half of the sign's height.

4 Residential sign area may be transferred from one entrance to another.

5 Residential signs are permitted to be located at entrances or corners of intersections.

6 If there are four or fewer tenants, pylon signs are not allowed.

TABLE 19.13.4-6, STANDARDS FOR PYLON SIGNS IN MULTI-TENANT DEVELOPMENTS

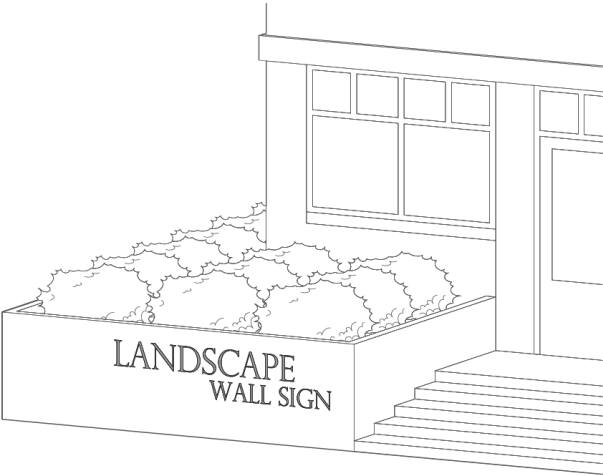
Standard	Zoning District	
	CN, CO, MR, MC, MN	CC, CH, CT, CA
General	> 5 Tenants	> 5 Tenants
Max. Area	128 sq. ft. / 220 sq. ft. ¹	160 sq. ft. / 300 sq. ft. ¹
Max. Height	16 ft. / 20 ft. or max. height of building, whichever is smaller ¹	16 ft. / 30 ft. or max. height of building, whichever is smaller ¹
Number of Signs	2 per 500 ft. of street frontage or fraction thereof	2 per 500 ft. of street frontage or fraction thereof
Sign Placement	Front Setback: 15 ft.; Interior Side Setback: 5 ft.; Corner Side Setback: 15 ft.; Rear Setback: 5 ft.	
	Signs may not encroach on any required sight visibility zone.	
Separation	From others on same site: 100 ft.; From others on adjacent sites: 40 ft.	
Note:		
1 If only one sign is used for all tenants.		

- a. *Multi-Tenant Developments Pad Sites.* Freestanding signs are permitted on pad sites in multi-tenant developments only if the parcel has frontage on a public right-of-way and all buildings on the site are located more than 300 feet from the public right-of-way. This provision does not prohibit freestanding menu boards, directional/informational signs or signs accessory to service stations on pad sites.
- b. *Service Stations on Pad Sites.* Service stations on pad sites may have no more than one freestanding sign with a maximum height of six feet and a maximum area of 32 square feet.
- c. *Design Standards in Commercial and Mixed-Use Districts.*
 - i. Poles or pylons used to support freestanding signs must have decorative covers or be clad in materials that are compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, color, and materials.
 - ii. Freestanding signs supported by poles or pylons must be supported by at least two poles or pylons. A single supporting element may be used when it is at least 40 percent as wide as the widest portion of the sign face. The ground area surrounding the base of freestanding signs must be landscaped. The landscape area must be at least five feet in width measured from face-of-curb to base of sign when adjacent to drive aisles or parking areas.
 - iii. Each freestanding sign allowed in compliance with this Subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

- iv. Freestanding signs may have an EMS component consistent with this Section.
- d. *Additional Standards in Residential, Public, and Semipublic Zoning Districts.*
 - i. Illumination.
 - (a) Freestanding signs in residential zoning districts may be illuminated externally from the ground or with halo lighting only. See HMC Subsection 19.13.3.B, Sign Illumination.
 - (b) Signs in residential districts are prohibited from using electronic message signs, except for Schools and religious assembly outside of the RN overlay.
 - ii. Address. Each freestanding sign allowed in this Subsection must display the address of the subject property. The address must be affixed on the sign face or on the supporting structure. For freestanding signs within 50 feet of the street curb addresses must employ minimum six-inch tall, 1.25-inch wide letters or characters. If a sign is located on street frontage other than the parcel's assigned address, the sign must include the assigned street name and address.

5. *Landscape Wall Signs.*

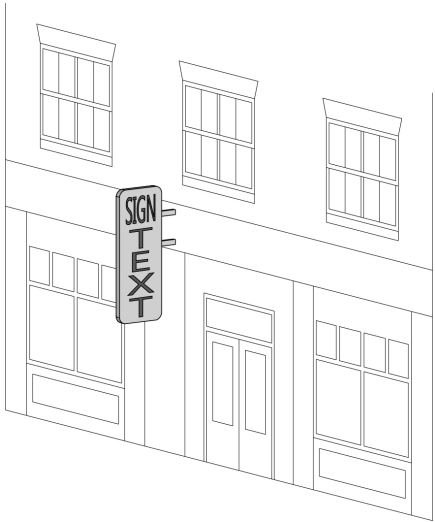
TABLE 19.13.4-8, STANDARDS FOR LANDSCAPE WALL SIGNS



Standard	
Max. Area	24 sq. ft.
Max. Height	4 ft.
Number of Signs	1 per development site frontage at a major vehicular entrance
Illumination	May be illuminated through internal or external means, using indirect or shielded fixtures and bulbs

6. *Projecting Signs.*

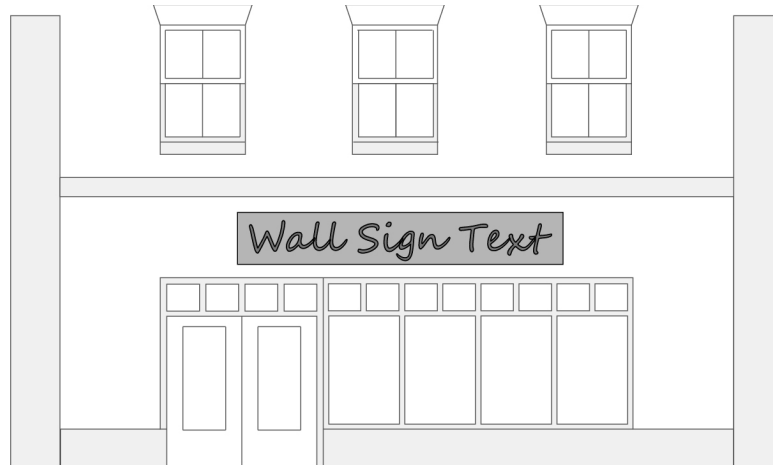
TABLE 19.13.4-9, STANDARDS FOR PROJECTING SIGNS



Standard	
Max. Area	12 sq. ft. ¹
Max. Height	May not extend vertically above roof line or parapet wall
Number of Signs	1 per ground-level, publicly accessible building entrance; 1 per second-level publicly accessible building entrance if accessed via exterior walkway
Location	No part may project more than 4 ft. from building wall or be located within 3 ft. of curb face
	Sign supports must appear to be an integral part of the sign
Min. Clearance	8 ft. between the bottom of the sign and the highest point of the ground or walkway immediately beneath the sign
	14 ft. above alleys or driveways
Illumination	May be illuminated through internal or external means, using indirect or shielded fixtures and bulbs
Note:	
1 Does not count toward overall wall signage total for the site.	

7. *Wall Signs.*

TABLE 19.13.4-10, DIMENSIONAL STANDARDS FOR WALL SIGNS BY ZONING DISTRICT



Standard	Residential, Public, and Semipublic	Commercial, Mixed-Use, and Industrial
Max. Area	0.80 sq. ft. per linear foot of tenant frontage or 50 sq. ft., whichever is less	See Table 19.13.4-10, Maximum Wall Sign Area Ratios
Number of Signs	1 per building entrance of nonresidential use	
Other Requirements	-	<p>Businesses or other entities that occupy pad sites that are part of a shopping center development but stand separate from the principal building on the site are only allowed wall signs.</p> <p>If a sign consists of a combination of sign elements (e.g., raceway-mounted channel letter used in conjunction with a cabinet) the entire sign must be regulated in compliance with the standards that apply to the most strictly regulated element of the sign. This rule does not apply to a cabinet sign used solely to display a logo if the area of the logo/cabinet sign comprises no more than 25% of the overall, cumulative sign area of the combination sign or 25 square feet, whichever is less.</p> <p>May have an EMS component consistent with this Section.</p>

Note:

1 Standards for multi-tenant developments may be modified per Table 19.13.4-10, Standards for Freestanding Signs in Multi-Tenant Developments.

2 Signs may be increased by 2 sq. ft. for each additional 1 ft. the sign is setback from the required min. setback up to max. 30 sq. ft. This standard does not apply to freestanding signs abutting a residential use.

3 Only 1 sign is allowed per street frontage if height exceeds 8 ft.

4 On lots that abut residential uses, signs must be set back min. 40 ft. plus a distance equal to one-half of the sign's height.

8. *Window Signs.*

TABLE 19.13.4-11, STANDARDS FOR WINDOW SIGNS IN NONRESIDENTIAL ZONING DISTRICTS

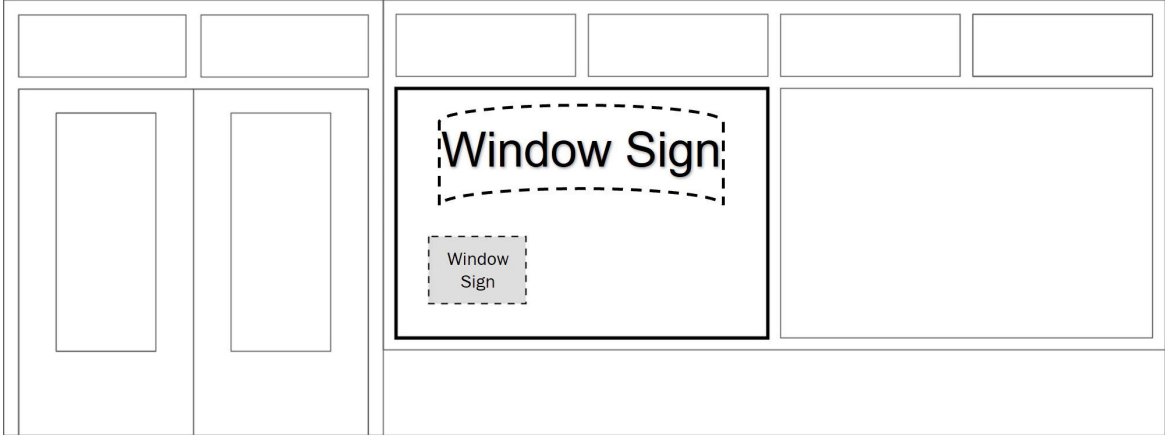
		
Standard	Commercial and Mixed-Use Zoning Districts	Industrial Zoning Districts
Max. window coverage	25% of each window or glass door	25% of each window or glass door, but may exceed 25% if portion exceeding 25% is in compliance with the requirements in “Other Requirements” below
Other Requirements	Glazing in storefront framing systems is considered as 1 window provided the framing between the glass panels does not exceed 2 in. in width and the window signs meet all other requirements of this Section	Must be calculated against the allowable building tenant space wall signage, as allowed by the Code or defined by an approved master plan
	No permit is required	Must have a maximum perforation pattern of 50/50
	Painted-on window signs are prohibited	No modification is allowed to increase tenant signage
	-	Painted-on window signs are prohibited

TABLE 19.13.4-12, MAXIMUM WALL SIGN AREA RATIOS¹

Sign Type	Neighborhood Commercial, Office and Industrial (CN, CO, MN, IP, IL, IG)		Community and Regional Commercial (MR, MC, CC, CH, CT, CA)	
	With Freestanding Sign	W/O Freestanding Sign ²	With Freestanding Sign	W/O Freestanding Sign ²
Channel letter sign, raceway-mounted	0.80	1.00	1.00	1.33
Channel letter sign, pin-mounted	1.20	1.50	1.50	2.00
Distinctive materials/design sign ²	1.40	1.75	1.75	2.50
Cabinet or other sign types	0.60	0.75	0.75	0.90

Notes:

1 All standards are determined by multiplying the subject tenant frontage (in feet) by the applicable max. sign area ratio.

2 The sign area ratio for businesses on sites without freestanding signs may be used only when an approved master sign plan for the property demonstrates that the site does not and will not have any on-site freestanding signs. Allowable wall sign area may not be transferred from one tenant or building wall area to another.

3 HMC Section 19.25.3, Contents of Master Sign Plans, approval is required in order to use distinctive materials/design wall sign ratio or to use wall sign area ratio for sites without freestanding signs.

- a. **Alternative Maximum and Minimum Wall Sign Area.** Maximum wall sign area may be further restricted by the standards below.
 - i. Wall signs on separate tenant frontages must be separated by a minimum of 12 inches from the edge of the tenant space.
 - ii. Wall signs may not project above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof.
 - iii. The exposed face of a wall sign must be parallel to and may project no more than 12 inches from the face of the building wall to which it is attached.
- b. **Multi-tenant Buildings.** In multi-tenant buildings individual tenants are entitled to their own wall sign if all the following conditions exist:
 - i. The tenant is located on the first or second floor of the building and occupies floor area that directly abuts exterior tenant frontage; and
 - ii. The tenant has their own (separate) public building entrance.
- c. **Painted-on Wall Signs.** Painted-on wall signs are prohibited, except for signs painted on exterior walls of buildings that are included in a master sign plan approved by Commission or Council.

19.13.5 Billboard Standards

A. Billboards.

1. **Applicability.** Billboards are subject to the regulations of this Section as well as all applicable requirements of HMC Title 15, including the issuance of all permits required pursuant thereto.
2. **Billboard Zone.** The “Billboard Zone” is designated on the City Billboard Map, which is adopted and made a part of this Code.
3. **Amendments to Billboard Map.** Amendments to the Billboard Map must be applied for and processed in the same manner as amendments to the zoning map, as specified in HMC Section 19.21.4, Zone Change/Zoning Map Amendment, with the following conditions:
 - a. Billboard zones may only be placed adjacent to streets listed on the Henderson Master Transportation Plan.
 - b. Billboard zones are corridors and apply to both sides of the street.
 - c. New billboard zones must be extensions of and contiguous to an existing billboard zone.
 - d. No billboard zone may be placed on residential zoning districts.
4. **Signs Prohibited Over Other Structures.** No billboard may be erected over structures or mobile homes and, following construction of the sign, no building or mobile home may be constructed or placed beneath any part of a billboard.
5. **Lease Agreements.** Unless otherwise approved by the Director, a land-lease agreement, proof of ownership or other suitable land use agreement for the specific site where a billboard is to be installed must be submitted to the City prior to issuance of a building permit for construction of each sign.

TABLE 19.13.5-1, STANDARDS FOR BILLBOARD SIGNS

Standard	
Max. Area of Display Surface	672 sq. ft.
	128 sq. ft. additional area for allowable embellishments (e.g., extraneous decorations, such as 2- or 3-dimensional objects or text that extend beyond the primary frame or border of a sign) ¹
Max. Height	50 ft.
	5 ft. additional height for allowable embellishments
Min. Clearance	9 ft. above the ground
Sign Placement	Setback: Min. 25 ft. from any existing or future public right-of-way
Location	Must be within or above the billboard zone
	Prohibited within 100 ft. of any residential use
	Prohibited on parcels with an issued building permit or on any parcel in which a structure is constructed
	Only allowed on parcels with fences
Separation	Billboards must be separated by a minimum of 750 ft. ²

TABLE 19.13.5-1, STANDARDS FOR BILLBOARD SIGNS

Standard	
Design Standards	The face of each billboard must contain a discernable message or graphic at all times. A billboard that stands as a skeletal structure without message panels or that has all blank panels or panels removed or arranged in such a manner as to make the message unreadable will be considered in disrepair and not in compliance with the maintenance requirements of this Code.
	The structural members of all billboards and the reverse side of each single-faced sign must be painted to be compatible with the background surrounding it. Unless otherwise approved by the Director, for the purposes of this Section, tan and light-brown colored paints will be considered compatible.
Illumination	May be illuminated internally or externally provided such external illumination be directed and shielded to limit direct illumination of any object other than the sign.
	The light source shall be boxed and integrated into the structure as to not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.
	May have an EMS component consistent with this HMC Subsection 19.13.4.B.3, Electronic Message Signs.
Other Requirements	May not have more than 2 supports
	A billboard that adjoins a controlled access freeway and which becomes obstructed due to a noise abatement project within the right-of-way of that same controlled access freeway, may, with the consent of the Nevada Department of Transportation: adjust the height or angles of the structure to restore visibility as allowed by the standards of this Section; or relocate the structure to another location where the owner has secured the right to locate and which conforms to the location standards above.
Notes:	
1 Only one side of a back-to-back billboard will be counted; however, two opposing faces may not exceed 45 degrees from parallel.	
2 Min. required distance is measured between points on the centerline of the adjacent street, and those points must reflect each sign's perpendicular relationship to the street's centerline. In no instance, however, because of a change in street direction or other measurement peculiarity, may the distance between signs be less than 750 feet when measured in a straight line.	

6. ***Permit Number and Address.*** The sign's owner, permit number(s), permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City must be indicated on a four-inch by six-inch plate, or other approved substitute, installed to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every billboard erected in compliance with the provisions of this Section.
7. ***Conversion of Existing Off-Premises Sign Permits to Billboard Permits.*** Each billboard sign that existed on November 21, 1991, and that met the definition of a billboard and that was properly permitted, constructed, inspected, and maintained in the City will be issued a billboard permit and will be allowed to remain in place for the life of the permit, provided that it is maintained in compliance with the provisions of this Code. For the purposes of this Section, regardless of the actual date of issuance of the billboard permit for each such previously existing, legally permitted, and legally constructed sign, the effective date of its permit will be November 21, 1991. Upon issuance of the billboard permit, all previous permits expire. Following the granting of a billboard permit by way of this conversion process, all signs must comply with all provisions of this Code. Any sign that did not at the time of conversion meet the locational or size requirements of this Code may not be altered unless it is brought into complete conformance with this Code.

19.13.6 Temporary Sign Standards

- A. **Purpose.** These regulations are intended to eliminate the aesthetic blight and litter caused by temporary signs to ensure that temporary signs do not create a distraction to the traveling public.
- B. **General to All.** Temporary signs are allowed only in compliance with the provisions of this Section.
 - 1. ***Registration of Temporary Commercial Signs.***
 - a. Unless approved through a master sign plan, all temporary commercial signs with the exception of those placed on residentially zoned property RS-1 through RM-10, require approval of a registration prior to installation.
 - b. It is unlawful to place, display, or relocate a temporary commercial sign without registering the temporary sign with the City. The City shall provide a registration form that clearly sets forth the information required to be provided in a registration application.
 - c. Registration shall be granted following submission of an application that is deemed complete.
 - d. An approved registration for a temporary commercial sign authorizes the holder to install a temporary commercial sign in compliance with the terms of the registration and in conformance with the standards contained in this Chapter.
 - e. All temporary signs are required to display the registration number, name, and address of the entity placing the sign, and the date the sign was erected.
 - f. An approved registration for a temporary commercial sign is valid for 60 days. Upon expiration a new registration is required. Thereafter, one additional registration is allowed per year.
 - g. Any temporary commercial sign installed or displayed without an approved registration is in violation of this Section and is grounds for the Director to issue a correction notice and/or to cause removal of the temporary commercial sign until appropriate authorization is obtained in conformance with HMC Section 19.13.7 (Enforcement).
 - 2. ***Banners in Multi-Tenant Commercial Building.*** Each tenant in a multi-tenant building is entitled to one temporary banner sign in accordance with HMC Section 19.13.6.B.5.d.
 - 3. ***Not Included in Permanent Sign Allowances.*** Temporary signs are not counted toward the maximum total sign area established in HMC Section 19.13.8.
 - 4. ***General Time, Place, and Manner Restrictions.***
 - a. ***Location Restrictions.*** Temporary signs must be placed in compliance with Section 19.13.2. Additionally, temporary signs must be placed in compliance with the following:
 - i. Temporary signs must be placed in a manner that does not impede traffic visibility for street corners and driveways.
 - ii. Temporary signs shall not overhang or encroach upon any public sidewalk, trail, or walkway.

- iii. Temporary commercial signs located on non-residentially zoned property shall be located on the tenant frontage of the business being advertised. See Figure 19.13.8-D., Tenant Frontage Measurement.
 - iv. Temporary signs shall not be attached to public utility poles, landscaping, or permanent on-site informational signs.
 - b. *Prohibited Elements.* Temporary signs must conform with the standards set forth in HMC Section 19.13.2.
 - c. *Design and Construction.*
 - i. Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, etc. and must be professionally crafted.
- 5. **General Standards.** Temporary signs are allowed in compliance with provisions of this Section.
 - a. *Temporary Commercial Signs on Unimproved Land.* Temporary commercial signs are allowed on unimproved land in all zoning districts subject to the regulations of this Subsection:
 - i. Small Signs. This includes A-frames Type I-III, Banners, and Yard Signs Type I-III,
 - (a) On parcels not exceeding one acre in area, one temporary sign up to 16 sq. ft. in area and four feet in height is allowed. On parcels larger than one acre in area, one temporary sign up to 32 sq. ft. in area and eight feet in height is allowed. No sign construction permit is required for such signs.
 - ii. Large Signs. This includes Post-and-Panel signs.
 - (a) One post-and-panel sign up to 64 sq. ft. in area is allowed every 100 linear feet or fraction thereof along the property frontage.
 - (b) The maximum height of any such sign is limited to 15 feet above the adjacent grade.
 - (c) Such signs must be spaced a minimum of 100 feet from any other sign requiring a sign construction permit.
 - (d) A sign construction permit is required for signs over 32 sq. ft. The permit is valid for one year and is renewable subject to compliance with all regulations in effect at the time of construction permit renewal pursuant to HMC Title 15.
 - iii. All signs on unimproved property must be set back at least 15 feet from the back of curb, or where no curb exists, 15 feet from the outer edge of the pavement or travel way.
 - iv. Reverse Side of Sign Treatment: The structural members of all post-and-panel signs and the reverse side of each single-faced sign must be painted to be compatible with the background surrounding it. Unless otherwise approved by the Director, for the purposes of this section, tan and light-brown colored paints will be considered compatible.

- v. Sign Construction Permit Number and Address: Where applicable, the sign's owner, construction permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City must be indicated on a four-inch by six-inch plate or other approved substitute, installed so as to be readily accessible and readable approximately six feet above the adjacent ground surface.
 - vi. Lease Agreements: Unless otherwise approved by the Director, a land-lease agreement, proof of ownership, or other suitable land-use agreement for the specific site where the sign is to be installed must be submitted to the City prior to issuance of a sign construction permit for construction of each sign, where applicable.
 - vii. Signs in the Public Rights-of-Way: Signs are not allowed in the public right-of-way unless a revocable permit has been issued for each specific sign. In instances where a right-of-way is owned by the State of Nevada or the federal government, the permittee must abide by that owner's regulations in addition to the provisions of this chapter. If any sign is placed in any public right-of-way under the terms of this chapter, the permittee assumes full responsibility for any damages or injuries to persons or property resulting either wholly, or in part, from the placement of the sign and must agree to defend and indemnify the City and hold the City harmless from all liability for such damages or injuries.
- b. *Temporary Noncommercial Signs on Unimproved Land*
- i. Temporary noncommercial signs on unimproved land are required to comply with the provisions of HMC Section 19.13.6.B.5.a.iii. and HMC Section 19.13.6.B.5.a.v-vii, where applicable.
- c. *Temporary Commercial Signs for Property Under Construction.* Temporary commercial signs for properties under construction are allowed in all zoning districts in addition to other allowed permanent signs. Such signs are subject to the regulations of this subsection.
- i. The following signs for properties under construction are allowed:
 - (a) Two Yard Sign Type III signs not to exceed 32 sq. ft.
 - (b) One or more 64 sq. ft. post-and-panel signs, not to exceed a total aggregate sign area of 400 sq. ft. or 16 sq. ft. per acre, whichever is less;
 - (c) One temporary flag, 15 sq. ft. in area or less, per acre of the project;
 - (d) Two temporary banners 48 sq. ft. or less in area; and
 - (e) One temporary A-frame Type I-II sign of 32 sq. ft. or less.
 - ii. The maximum height of all the above temporary signs is 15 feet.
 - iii. All temporary freestanding signs must be set back at least 15 feet from the back of curb, or where no curb exists, 15 feet from the outer edge of the pavement or travel way.

- iv. Timeframe: The above standards govern upon the City's acceptance of street and utility public improvement bonds for an improvement project and may be used for a period not to exceed 30 days after issuance of the last certificate of occupancy for permitted structures.
- d. *Temporary Commercial Signs on Improved Nonresidential Property.* Temporary commercial signs are allowed in addition to other permanent signs on existing improved nonresidential property, including newly constructed projects, beyond 30 days after issuance of the last certificate of occupancy for permitted structures only in accordance with the regulations of this subsection:
 - i. One 32 sq. ft. or smaller temporary Yard Sign Type III is allowed per 100 feet of street frontage of existing improved nonresidential property provided such signs are a minimum of 100 feet from any other permanent or temporary signs on the premises.
 - ii. All temporary freestanding signs must be set back at least 15 feet from the back of curb, the outer edge of the pavement, or travel way where no curb exists.
 - iii. The maximum height of any temporary freestanding sign is eight feet.
 - iv. Upon issuance of an initial business license, a proprietor may install temporary banners and A-frame signs for up to 60 days on the premises.
 - v. Properties seeking to take advantage of this 60-day temporary sign allowance may do by registering per HMC Section 19.13.6.B.2.; however, no such sign or banner may be constructed or employed on the premises that presents a hazard to traffic or pedestrian safety.
 - vi. Temporary banner signs shall be located on the tenant space of the business. Temporary banner signs shall not be attached to public utility poles, landscaping, or on-site informational signs.
 - vii. Maximum square footage of temporary banner signs shall be 36 sq. ft. and maximum square footage of A-frame signs shall be nine sq. ft. per face.
 - viii. A-frame signs shall not be located within a public right-of-way nor within a required sight visibility zone.
- e. *Temporary Noncommercial Signs on Improved Nonresidential Property*
 - i. Temporary noncommercial signs on improved nonresidential property are required to comply with HMC Sections 19.13.6.B.5.d.iii, 19.13.6.B.5.d.vii, and 19.13.6.B.5.d.viii, where applicable.
- f. *Temporary Signs on Improved Residential Property.* Temporary signs are allowed on improved residential properties subject to the regulations of this subsection:
 - i. The maximum square footage of a Yard Sign Type I shall be three sq. ft., with a maximum height of four feet and a maximum width of two feet.
 - ii. The maximum square footage of a Yard Sign Type II shall be four sq. ft., with a maximum height of six feet and a maximum width of two feet.

- iii. A maximum of two flags per residential property are allowed. The total square footage of all flags shall not exceed 30 sq. ft.
- iv. Maximum square footage of A-frame Type I signs shall be four sq. ft. per face.
- v. The total area of all temporary signs on an improved residential property at any one time shall not exceed 40 sq. ft.

19.13.7 Enforcement

- A. **Authority.** It shall be unlawful to erect, construct, enlarge, alter, repair, display, maintain, or use a sign within the City contrary to, or in violation of, any provision of this Chapter. The Director, the Building Official, or their designee (referred to in this Chapter as the “enforcement official”) shall have the authority to enforce this Chapter.
- B. **Violations, Proceedings and Remedies.** All signs in violation of this chapter constitute a public nuisance subject to the enforcement procedures of HMC Chapter 15.12 of the Henderson Municipal Code, including all administrative, civil or criminal remedies provided therein. Alternatively, the enforcement official may employ any other enforcement procedure applicable to this Code where the official determines that such procedure is more appropriately utilized for the specific violation presented, provided that written notice of the violation, with a reasonable period of time to cure the violation and an opportunity for an appeal hearing is provided to the owner or other responsible party prior to abatement of any sign on private property issuance of any civil penalty, including fines or fees. The foregoing is subject to the following limitations and specific requirements:
 - 1. **Abandoned Signs.** A sign is considered abandoned when the use of the sign and/or property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 45 consecutive days or more. Vehicle signs are exempt from this provision. Upon determination by the enforcement official that a sign has been abandoned, the enforcement official may order the property owner in writing, via personal service or certified mail, return receipt requested, to complete one of the following actions within 30, calendar days, and that failure to do so will subject the sign to removal by the City:
 - a. Remove the abandoned sign and, if applicable, restore/repair the building face to its previous or like-new condition, which may include repainting of the tenant space where the signs were located;
 - b. Reoccupy the premises with a business using the same sign message and make any changes to the sign needed to bring it into conformance with HMC Title 15, and all other applicable requirements of the Henderson Municipal Code at the time of reoccupancy;
 - c. Replace the former business message with the message of a public service organization and make any changes to the sign needed to bring it into conformance with HMC Title 15 and all other applicable codes adopted by the Council; or
 - d. Apply to the Director for an extension of time up to an additional 45 days to allow the owner to reoccupy the premises with a licensed business. This request must be accompanied by a signed lease for occupancy of the premises by a user allowed under the terms of the Code, and the applicant must make any changes to the sign needed to bring it into conformance with this Chapter and HMC Title 15, including all technical codes adopted therein. The owner may appeal the Director’s decision or any request for an extension beyond that granted by the Director to the Commission consistent with HMC Section 19.18.2.D, Appeals. An applicant appealing the Director’s decision or seeking an extension beyond that granted by the Director must make any changes to

the sign needed to bring it into conformance with this Chapter and HMC Title 15, and any other applicable provisions of the Henderson Municipal Code.

- e. If the property owner fails to complete at least one of the preceding four actions within the time specified in the written notice or within any extension of time granted by the Director, Commission or Council, or fails to prevail on any appeal, the Director or its designee is authorized to remove the sign. Following any removal, the City shall follow the impoundment procedures set forth in HMC Subsection 19.13.7.B.2.c.

2. ***Imminently Hazardous Signs.***

- a. The enforcement official may take any necessary actions, including alteration, repair, removal or demolition if necessary, to prevent public exposure to danger where the condition or location of a sign presents an imminent threat to public safety.
- b. Prior to any alteration, repair, removal or demolition of the sign, the enforcement official shall follow the procedures of HMC Section 15.12.060.B.5. The enforcement official shall not alter, repair, remove or demolish any sign without the provision of notice and an appeal period unless immediate safeguards are necessary to protect public safety, in compliance with the provisions of HMC Section 15.12.060.B.5.
- c. If the enforcement official has removed an imminently hazardous sign after compliance with the procedures of HMC Section 15.12.060.B.5, the enforcement official shall impound the removed sign. Upon impoundment, the code official shall provide written notice to the property owner and any other person known to be responsible for the sign advising of the impoundment and providing instructions and the time period for claiming the sign, with explicit notice that the sign will be destroyed if not claimed by the date provided. The enforcement official shall keep the sign impounded for 30 days or until the sign is claimed by its owner or authorized agent, upon sufficient proof of ownership provided, with applicable fees paid by the owner for the removal and impoundment, whichever is sooner. If at the end of the 30-day impoundment period, the property owner or its authorized agent has not claimed the sign, the sign may be disposed of at the discretion of enforcement official.

3. ***Prohibited Signs.*** Any sign located on any City right of way or City property or on any utility pole or streetlight in violation of this Chapter or located on private property without the permission of the property owner, as confirmed in writing by the property owner, may be removed by the enforcement official. No prior written notice to the owner shall be required. Signs other than vehicle signs will be impounded for 10 days by the City prior to destruction. If the name and address of the person responsible for the sign can be reasonably ascertained, the City shall provide at least 7 days written notice to the sign owner stating the location of the impounded signs, the fact they will be destroyed by the date set forth in the notice if not claimed prior to that date, and the applicable impoundment and/or removal fee that will be assessed upon claiming of the sign. Vehicle signs will be removed and impounded in accordance with the provisions of NRS 487.

4. ***All Other Sign Violations.*** Upon determination by the enforcement official that a sign was not properly permitted, lacks necessary maintenance or requires repair, does not comply with approved plans, or violates any other provisions of this Chapter or HMC Title 15, The enforcement official may take any authorized enforcement action under this Code including employing the enforcement procedures set forth in HMC Section 15.12.060. Any sign that the City removes from private property after compliance with all required notice and appeal procedures shall be impounded pursuant to the procedures set forth in HMC Subsection 19.13.7.B.2.c.

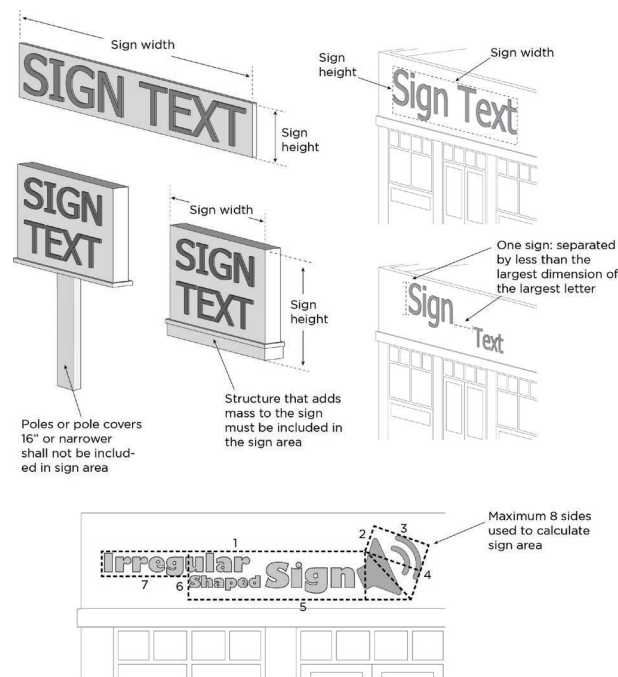
5. ***Agency Relationship.*** Persons posting signs within the City are responsible for knowing the City's sign regulations. Any person posting signs is deemed the agent of any other person who paid for or directed the manufacture or posting of the signs. These persons shall be individually and severally liable to the City for the costs of abatement of any illegal signs, as well as criminally liable for violations of this Chapter.
- C. **Billboard Removal.** All requirements for the removal of billboards set forth in NRS Chapter 278 apply. The Director is authorized to initiate removal proceedings for billboards where removal is authorized by law.
1. When an imminent threat to public safety exists, the Director in consultation with the Building Official may immediately take any necessary actions to prevent public exposure to the danger, including demolition, if necessary. The procedures of Chapter 15.12.060.B.5 shall be followed prior to any repair, removal or demolition of the billboard by the City.
 2. The Director in consultation with the Building Official may order removal of nonconforming billboards that are destroyed or damaged in excess of 50 percent of their material structural value as a result of a natural disaster, including fire, flood, earthquake, windstorm, rainstorm, and snowstorm.
 3. The Director may order nonconforming billboards to be removed under the following additional circumstances:
 - a. The owner of the real property upon which the billboard is located terminates the lease that governs the placement of the nonconforming billboard on that property consistent with the terms of that lease.
 - b. The sign removal is a condition of approval for development or redevelopment of the property on which the sign exists pursuant to HMC Chapter 19.13. A public hearing must be scheduled before the Commission to address the removal of a nonconforming billboard prior to final review of any development applications for a parcel upon which a nonconforming billboard exists. The hearing must provide an opportunity for the owner of the nonconforming billboard to be heard. Public notice provisions of HMC Subsection 19.19.5.D, Public Notice, apply. In this circumstance, the City may not require the removal of a nonconforming billboard to take place until such time as a building permit is submitted to the Division of Building and Fire Safety for vertical construction of the new improvements on the property.
 4. For purposes of record keeping, when it is discovered that no permit exists for a nonconforming billboard, the City is authorized to require that a licensed sign contractor acquire a permit. This requirement to obtain a permit does not authorize the City to require the removal of a nonconforming billboard, unless otherwise required by the provisions of this Section.
 5. ***Remedies.*** The Director is authorized to employ any remedy available under Nevada law and under this Code, HMC Section 15.12.060, or any other provision of the Henderson Municipal Code in securing the removal of a billboard that has been ordered to be removed in compliance with the provisions of this Section, including the imposition of civil or criminal penalties against a property or sign owner who fails to comply with such an order, or petitioning a court of competent jurisdiction for injunctive relief.

19.13.8 Sign Interpretations and Measurements

A. Sign Area.

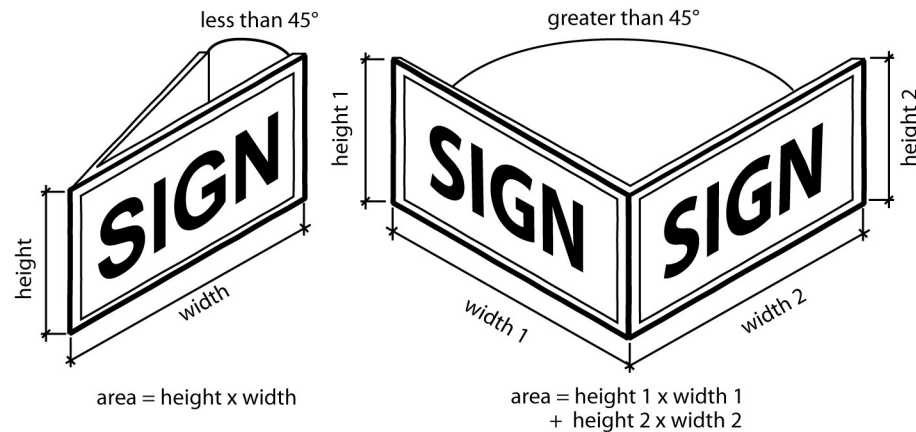
1. **Sign Face.** The area of a sign face is based on the outer dimensions of the frame or cabinet surrounding the sign surface area. Decorative hardware used to attach the sign or trim materials that complement the building architecture does not count as part of the sign's area.
2. **Channel (Individual) Letter Signs.** The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric shape (e.g., square, rectangle, circle, polygon, etc.) with no more than eight sides that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter. See Figure 19.13.8-A, Sign Area Calculation.

FIGURE 19.13.8-A, SIGN AREA CALCULATION



3. **Multi-Sided Signs.** When the sign faces of a multi-sided sign are parallel or within 45 degrees of parallel, only one side is counted. If the sign faces are not parallel or within 45 degrees of parallel, all sign faces are counted. See Figure 19.13.8-B, Multi-Sided Sign Face Area Calculation.

FIGURE 19.13.8-B, MULTI-SIDED SIGN FACE AREA CALCULATION



4. ***Projecting, Roof-mounted and Freestanding.***

- a. Means the sign face of any single-faced freestanding, roof-mounted or projecting sign and the largest side only of any double-faced freestanding, roof-mounted or projecting sign shall be counted in calculating its area. One-half the total area of any spherical, round, oval, elliptical, polygonal, totem, or any other sign having more than two faces shall be counted in calculating its area.
- b. For each sign face the area of the sign shall be measured as a rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of all cabinets or modules and their structure where the structure adds mass to the sign. The area within the rectilinear line shall be the total sign area of that face. The perimeter of the measurable area shall not include incidental embellishments such as poles and pole covers 16 inches or narrower, framing, etc., provided that such embellishments do not include any advertising message, announcement, declaration, insignia, or mural, or are otherwise erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. See Figure 19.13.8-A, Sign Area Calculation.

B. **Frontage.** Wall sign regulations are based on either “building frontage” for buildings with a single primary entrance or “tenant frontage” for buildings where each tenant has its own entrance. Regardless of the height, number of stories, or number of tenants in a building, frontage will be determined by one measurement of the horizontal length of the exterior wall at floor plate level. Building frontage must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the wall.

1. ***Building Frontage.*** The following rules govern the measurement of building frontage: For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the horizontal measurement of the exterior building wall (or walls) that: (1) is adjacent to a street or a parking area or other vehicle or pedestrian circulation area that is accessory to and serves the subject building; (2) contains either windows or a public building entrance; and (3) building wall signage may not be transferred between building frontages. Allowed wall sign area for a building that has two or more building frontages must be calculated based on each individual building frontage. See Figure 19.13.8-C, Building Frontage Measurement.

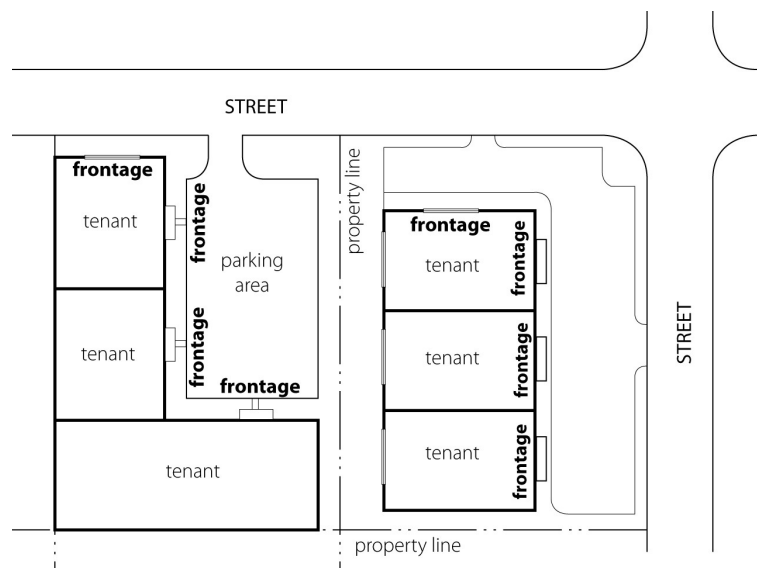
FIGURE 19.13.8-C, BUILDING FRONTAGE MEASUREMENT



2. ***Tenant Frontage.***

- a. For tenants that are located on the first or second floors of a building and have their own building entrance, building frontage is the horizontal measurement of the exterior building wall (or walls) that directly abuts the tenant's interior floor space (at floor plate level) and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant that has two or more building frontages must calculate the permitted sign area based on each individual building frontage. See Figure 19.13.8-D, Tenant Frontage Measurement.

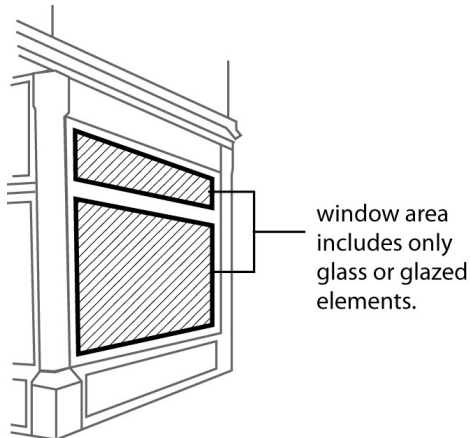
FIGURE 19.13.8-D, TENANT FRONTAGE MEASUREMENT



- b. In no instance may the total combined sign area for all signs exceed the cumulative maximum allowed sign area for the individual tenant frontages.

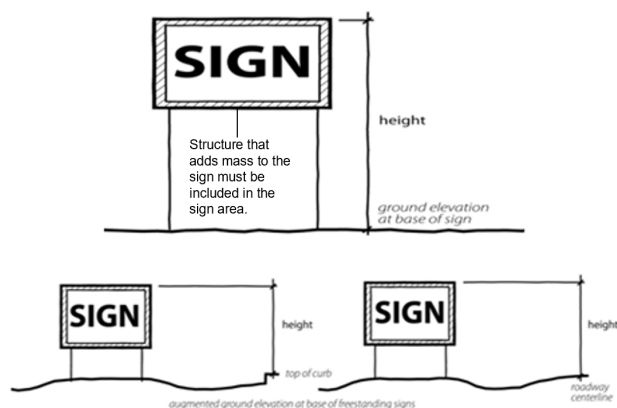
- C. **Window Area.** The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area. See Figure 19.13.8-E, Window Area Measurement.

FIGURE 19.13.8-E, WINDOW AREA MEASUREMENT



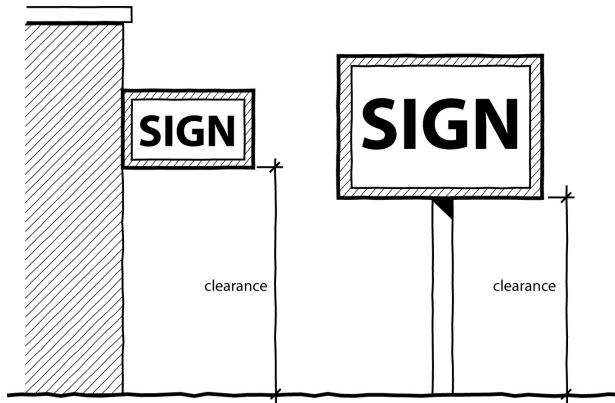
- D. **Sign Height.** The height of a sign must be computed as the distance from the highest point of the sign or sign structure (including any framework or embellishments) to the average finished grade at the base of a freestanding sign. If the ground elevation at the base of a freestanding sign is augmented in a manner that adds height to the sign but not to surrounding buildings, sign height must be measured from the top of curb of the nearest street or road. If no curb exists, height must be measured from the highest point of the sign structure to the centerline pavement elevation of the nearest street or road. When street or road improvements are planned to the nearest street or road, the measurement must be made from the projected, improved curb (or centerline) grade. See Figure 19.13.8-F, Sign Height Measurement.

FIGURE 19.13.8-F, SIGN HEIGHT MEASUREMENT



- E. **Sign Clearance.** The vertical distance between the highest point of the ground immediately beneath the sign and the lowest point of the sign itself, including framework and embellishments extending over the ground. See Figure 19.13.8-G, Sign Clearance.

FIGURE 19.13.8-G, SIGN CLEARANCE



- F. **Sign Base.** The solid base of a monument sign must be equal to or greater than the width of the sign face with no separations between the sign and base. The supporting base must have a minimum 12-inch vertical height. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.
- G. **Determination of “Visibility.”**
 - 1. When this Chapter requires a determination of “visibility,” the standard is based on the eyesight of an adult eligible to receive a Nevada driver’s license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person will be presumed to be between five and six feet in height. In determining visibility from property used or zoned for residential purposes, it will be assumed that a two-story residence will occupy the property with second-story windows facing the sign.
- H. **Sight Visibility Zone.**
 - 1. All signs must be located outside of the sight visibility zone per HMC Section 19.13.2, General Restrictions for Signs and shall be shown on site plan at time of sign permit review. Sight Visibility Restriction Zones (SVRZs) at intersections and driveways shall be designed and comply with Clark County Area Uniform Standard Drawings.

Chapter 19.14 Subdivision Design and Improvements

Sections:

- 19.14.1 General
- 19.14.2 Required Dedications and Improvements
- 19.14.3 Resource Preservation
- 19.14.4 Lots
- 19.14.5 Access
- 19.14.6 Drainage
- 19.14.7 Streets
- 19.14.8 Sidewalks
- 19.14.9 Street Lights
- 19.14.10 Water Supply and Fire Hydrants
- 19.14.11 Easements
- 19.14.12 Monuments
- 19.14.13 Reservations for Parks and School Sites
- 19.14.14 Street Naming and Addressing
- 19.14.15 Building Addressing
- 19.14.16 Condominium Conversions

19.14.1 General

- A. **Applicability.** This Chapter applies to all development in the City including, building permits, grading permits, encroachment permits, offsite permits, subdivisions, resubdivisions, minor subdivisions, or other divisions of land for any purpose within the City, and the preparation of subdivision maps and other maps provided for by NRS 278 and this Code. All subdivisions and any part of a subdivision located within the City limits must be constructed, and all subdivision maps must be prepared and presented for approval, as provided for in this Code.
- B. **Exemptions.** This Chapter does not apply to any of the following:
 - 1. Creation or realignment of a public right-of-way by a public agency;
 - 2. Creation or realignment of an easement;
 - 3. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional parcels;
 - 4. Purchase, transfer, or development of space within an apartment building or an industrial or commercial building;
 - 5. Carrying out an order of any court or dividing land as a result of an operation of law;
 - 6. Creation of a lien, mortgage, deed of trust, or any other security instrument;

7. Creation of a security or unit of interest in any investment trust regulated under the laws of Nevada or any other interest in an investment entity;
 8. Conveying an interest in oil, gas, minerals, or building materials that is severed from the surface ownership of real property;
 9. Conveying an interest in land acquired by the Nevada Department of Transportation under NRS; or
 10. Filing a certificate of amendment under NRS.
- C. **Improvement Plans.** Subdividers and/or developers must file with the Public Works Director complete plans covering the improvement of all adjacent rights-of-way, alleys, streets (including all appurtenances), curbs, gutters, sidewalks, street lights, driveways, sewer mains, laterals within the public right-of-way, water mains, gas mains, fire hydrants, parking areas, subsurface drainage, utility easement location, and such other plans and documents as may be required by the Public Works Director for development or subdivision of any unimproved parcel. The subdivider and/or developer must enter into an agreement with the City, approved as to form and legality by the City Attorney, to make, install, and complete all required improvements.
1. All proposed improvement plans must coordinate and protect to maximum extent possible all existing above or below ground utilities. Every utility discovered adjacent or on the developed property must acknowledge the proposed improvements by signature or similar notation on the cover sheet or individual plan sheet as appropriate.
- D. **Standard Drawings and Standard Specifications.**
1. All improvements and construction must conform to all standards and specifications of the Public Works Director, all applicable master plans, and Clark County Department of Air Quality Regulations.
 2. All references to “Standard Specifications” refer to the most recent edition of the Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County Area, Nevada.
 3. All references to “Standard Drawings” refer to the most recent edition of the Uniform Standard Drawings for Public Works Construction Off Site Improvements, Clark County Area, Nevada.

19.14.2 Required Dedications and Improvements

- A. **Dedications.**
1. As a condition of approval of a tentative map, parcel map, civil improvement plan, or building permit, the subdivider and/or developer must dedicate, or make an irrevocable offer to dedicate, all parcels of land within the subdivision or adjacent to the development, that are needed for improvements required by this Chapter.
 2. All dedications of property to the City for public purposes must be made in fee title except that, at the City’s discretion, the grant of an easement may be taken for the following purposes: recreational easements, emergency access easements, municipal easements, or public utility easements.

3. All dedications in fee and grants of easements must be free of liens and encumbrances except for those that the City, in its discretion, determines would not conflict with the intended ownership and use.
4. All conditions of approval shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development.

B. Installation of Public and Private Facilities and Improvements.

1. **General.** In addition to required dedications, the subdivider and/or developer must construct, or cause to be constructed or installed, all public and private facilities and improvements related to the development and required by this Chapter.
2. **Supplemental Improvement Capacity (Over-sizing).**
 - a. As a condition of approval of a tentative map, the City may impose a requirement that improvements installed by the subdivider and/or developer for the benefit of the subdivision contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public.
 - b. When the supplemental size, capacity, number, or length is solely for the benefit of property not within the subdivision, the City may enter into an agreement with the subdivider and/or developer to reimburse the subdivider and/or developer for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider and/or developer to install the improvements to serve the subdivision only and the actual cost of such improvements. The City will determine the method for payment of the costs required by a reimbursement agreement that may include, but is not limited to, the establishment and maintenance of local benefit districts for the levy and collection of the charge or costs from the property benefited.

C. Performance Guarantees.

1. **Types Allowed.** The subdivider and/or developer must provide a performance guarantee to ensure the completion of required improvements in the form of a performance or surety bond, or cash deposit.
 - a. **Performance and Surety Bonds.** Performance or surety bonds, if used, must be posted in the amount of 100 percent of the total cost of improvements, plus 10 percent for engineering and contingencies. The performance or surety bond must be written by a company on the approved federal list and authorized to do business in the State of Nevada.
 - b. **Cash Deposits.** If the performance guarantee is in the form of a cash deposit with the City, proportional parts thereof are refundable in relation to progress payments less retainage, subject to written approval by the Public Works Director.

D. Maintenance Guarantees.

1. If the subdivider and/or developer completes all required improvements and complies with all conditions of the agreement as determined by the Public Works Director, the remainder of monies retained by a financial institution or by the City may be released to the subdivider, developer, or the successor in title.

2. Prior to release, the subdivider and/or developer must provide the City, prior to the issuance of any building permit, a performance bond, surety bond, or cash deposit equal to the amount determined by the Public Works Director that would ensure the repair of any damage to the existing improvements during the course of any construction, but in no case will the amount of the security be less than \$2,500 for each individual building lot.
3. Prior to the issuance of any certificate of occupancy, the Public Works Director must determine whether any breakage or damage has occurred. If no damage to any offsite improvements has occurred, then the Public Works Director may release the security to the subdivider, developer, or the successor in title. If damages have occurred, they must be repaired or the City may draw on the security before it is released.

E. Inspection of Improvements.

1. The subdivider and/or developer must notify the Public Works Director at least 24 hours in advance of commencing work on any of the following items:
 - a. Laying of sewage and construction of manholes;
 - b. Backfilling of sewage;
 - c. Placing of water lines, fire hydrants, and valves;
 - d. Backfilling around water lines, fire hydrants, and lateral connections;
 - e. Laying of storm drainage lines and facilities;
 - f. Backfilling of storm drainage lines and facilities;
 - g. Preparing the base and placing concrete for curbs, gutters, sidewalks, or valley gutters;
 - h. Placing of Type I base course;
 - i. Placing of Type II base course;
 - j. Priming base course;
 - k. Placing surfacing;
 - l. Sealing surfacing;
 - m. Installing street lights;
 - n. Painting curbs red and installing “No Parking” identification; and
 - o. Other offsite improvement construction.
2. If the start of the work will be delayed, the subdivider and/or developer must notify the Public Works Director of the delay at least two hours before work is scheduled to begin. Approved construction plans must be available at all times on the job site.
3. The Fire Department may also conduct reviews and inspections.

19.14.3 Resource Preservation

In reviewing subdivision layout and lot configuration, the Commission is authorized to encourage preservation of natural features and historic landmarks. The Commission must also ensure that the proposal complies with the resource-related standards of HMC Chapter 19.14.

19.14.4 Lots

A. **Dimensions and Configuration.**

1. Lot sizes and dimensions must comply with the standards of the underlying zoning district, overlay, and/or development agreement provided that the net area of lots to be served by individual sewage disposal and water supply installations must comply with Southern Nevada Health District standards, pursuant to NRS 278.335.
2. An individual lot may not be divided by another lot, street, alley, or any other thoroughfare or property.
3. An individual lot may not be divided by City boundary lines. City boundary lines may be coterminous with lot lines or centerlines of streets and alleys.
4. No public or private street, alley, or sidewalk shall be included in the measurement of lot area.

B. **Setbacks.** Building setbacks must comply with the standards of the underlying zoning district, overlay, and/or development agreement. Required setbacks must be identified on the final map.

19.14.5 Access

The subdivision of land must ensure that each lot, park, or public grounds is provided with satisfactory means of ingress and egress to a public street.

- A. The City may require, as a condition of approval of a tentative map, that dedications or offers of dedication of streets include a waiver of direct access rights from any lot within the subdivision to any such street within or abutting the subdivision. Upon acceptance of the dedication, such waiver must be reflected in an appropriate title document, which must be recorded and become effective in compliance with its provisions.
- B. Lots abutting a major collector or minor arterial or highway (as designated on the approved Master Transportation Plan) may be denied direct vehicular access to such street.
- C. Vehicular access to lots denied direct access from a major collector or minor arterial or highway (as designated on the approved Master Transportation Plan) must be provided from a minor street or alley.
- D. The paving materials, widths, and locations of driveways must conform to the Standard Drawings. In residential districts, all driveways must be at least 6 feet from the point of curvature of any intersection, per the Standard Drawings, unless this requirement is waived by the Public Works Director.
- E. Parcels classified in the RN overlay with access solely via a roadway listed on the adopted Master Transportation Plan must have a circular driveway, cul-de-sac, or any other acceptable design that eliminates backing into the roadway for egress. Parcels with dual frontage must use the frontage adjacent to the roadway that is not listed on the Master Transportation Plan.
- F. Any residential lot which may subsequently be developed without further subdividing must be provided with paved access at the time of its creation.
- G. No lot proposed for development may use an unimproved or unpaved road for permanent access.
- H. Non-residential developments shall not have primary access from a minor/local residential street.

19.14.6 Drainage

A. **Drainage Design.**

1. The subdivider and/or developer must provide the necessary means to assure complete drainage in and adjacent to the subject property by making use of state or City storm drains, natural watercourses, or constructed channels. The subdivider and/or developer must submit to the Public Works Director sufficient information in the form of studies, grading plans, profiles and maps prepared by a registered surveyor or engineer that meets the minimum standards and criteria in the Uniform Regulations for the Control of Drainage, the Hydrologic Criteria and Drainage Design Manual, and the approved development agreement for the project.
- B. **Drainage Improvements.** The construction of drainage improvements must be in substantial conformance with the approved drainage study, civil improvement plans, and Clark County Area Uniform Standard Drawings.

19.14.7 Streets

- A. **Alignment.** Streets must be aligned in compliance with the Master Transportation Plan. Street layouts and alignments are subject to the transportation and circulation standards of this Code and the HMC.
- B. **Street and Right-of-Way Widths.**
1. **Minimum Standards.** Public and private streets must comply with the right-of-way and pavement standards in Table 19.14.7-1, Street and Right-of-Way Widths. More detailed Master Transportation Plan Complete Streets Configurations may be found in Appendix A of this Code.

TABLE 19.14.7-1: STREET AND RIGHT-OF-WAY WIDTHS

Street Type	Right-of-Way Width (ft.)	Pavement Width ¹ (ft.)
Cul-de-Sac	See Subsection 19.14.7.B.2, Options for Minor Local/Interior Subdivision Streets	
Minor Local/Interior Subdivision		
Single-Loaded Slip Street		
Minor Collector	61	51
Major Collector	86 ²	76
Minor Arterial	108 ³	98
Major Arterial	132 ⁴	122

Notes:

- 1 Pavement width measured from back-of-curb to back-of-curb. Pavement sections must comply with the Uniform Standard Drawings.
- 2 Where a major collector street intersects another major collector or larger street, each major collector or larger street right-of-way must be increased in width, as specified in the Standard Drawings/Specifications.
- 3 Additional right-of-way is required at intersections of major collector and minor arterial and greater roadways, as classified in the Master Transportation Plan.
- 4 Where a controlled access arterial street intersects a major collector or larger street, each arterial right-of-way must be increased as specified in the Standard Drawings/Specifications.

2. **Options for Minor Local/Interior Subdivision Streets.** The design options in Table 19.14.7-2, Street Options, and Figure 19.14.7-A, Minor Local and Internal Street Layouts, are allowed for minor local streets and interior subdivision streets, including cul-de-sacs:

TABLE 19.14.7-2: STREET OPTIONS

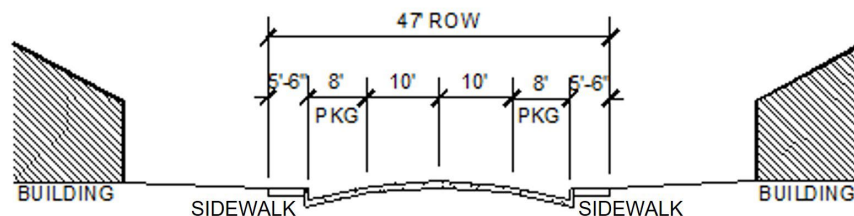
Right-of-Way Width (ft.)	Pavement Width ¹ (ft.)	Parking Lanes		Sidewalks	
		Sides of Street	Width ¹	Sides of Street	Width
47	36	2	8	2	5
33 ²	28	1	8	1	5

Note:

1 Pavement and parking lane widths measured from face-of-curb.

2 This option is only allowed to be used on the perimeter of a subdivision as a single-loaded slip street.

- a. In addition to the street width design options described above, a single-family subdivision with attached or detached housing product is permitted to have streets that provide a minimum 24-foot-wide flowline when all of the following are provided:
 - i. Fire lanes (including signage, curb painting, and stenciling) are complete before the issuance of any certificates of occupancy.
 - ii. The streets are privately owned and maintained.
 - iii. The project does not contain cul-de-sacs, dead-ends or “stub” streets, unless the review authority determines it to be infeasible.
 - iv. Guest parking is provided in locations approved by the Fire Chief and the Director.
 - v. All purchasers sign a disclaimer at the close of escrow acknowledging the prohibition of on-street parking.
 - vi. The CC&Rs are irrevocably written and recorded so that the maintenance and enforcement of the on-street parking prohibition is the responsibility of the HOA for the life of the project. The CC&Rs must clearly state that the HOA officers are responsible for the enforcement of the on-street parking prohibition and are personally liable for any penalties, including citations, for the failure to follow through with their responsibilities.
 - vii. The street design can be shown to provide standard utility locations and separations per Clark County Area Uniform Standard Drawings, Uniform Design and Construction Standards (UDACS), and Design and Construction Standards for Wastewater Collection Systems (DCSWCS).

FIGURE 19.14.7-A, MINOR LOCAL AND INTERNAL STREET LAYOUTS

- b. **Subdivision Boundary Streets.** Subdivision boundary streets shown on the Master Transportation Plan must be dedicated for one-half of the otherwise required width, and one-half of the otherwise required street improvement section.
 - c. **Half-Streets.** Half-streets are prohibited within the interior of a subdivision. They are permitted along the exterior boundaries of subdivisions when they are major streets or when the need is dictated by traffic, topography, or drainage factors. Where a dedicated half-street or alley abutting the proposed subdivision exists, the other half must be dedicated to make the street or alley complete. In the event that the abutting half-street is unimproved or partially unimproved, the developer is required to construct a half-street or complete the partially improved half-street, which for the purposes of this Section must consist of:
 - i. Curb and gutter, streetlights, sidewalk, one eight-foot-wide parking lane, and two 12-foot-wide travel lanes for 51-foot and narrower rights-of-way.
 - ii. Curb and gutter, streetlights, sidewalk, one nine-foot-wide parking lane, and two 15-foot-wide travel lanes for 52- to 80-foot rights-of-way.
 - iii. As prescribed by the Public Works Director for all other rights-of-way.
- 3. **Waiver of Street Width Standards.** The Commission, upon recommendation of the Public Works Director and Fire Chief, may waive or modify otherwise required street width standards upon finding that such waivers or modifications are justified by compensating benefits, such as public open space, recreational amenities or enhanced landscaping, and that adequate provision for utilities service and emergency vehicle access are provided.
- 4. **Private Driveways and Drive Aisles.** Multifamily, commercial, and industrial developments served by private driveways or drive aisles must comply with the paving materials, width, and location standards of this Section. In nonresidential districts, driveways approaching an intersection must comply with the driveway standards in this Code. In residential districts, all driveways must comply with the Standard Drawings, unless this requirement is otherwise approved by the Public Works Director. Private driveways and drive aisles must comply with the Fire Code when the Fire Chief determines that they are necessary for fire apparatus access.
- 5. **Direct Access to Collector and Larger Streets Restricted.** Unless otherwise approved by the Public Works Director, no direct vehicular access onto any minor or major collector, minor arterial or major arterial, or larger street is permitted from any lot zoned RS-1, RS-2, RS-4, RS-6, RS-8, or RM-10. Access to lots zoned RS-1, RS-2, RS-4, RS-6, RS-8, or RM-10 must come from minor local or interior subdivision streets or alleys only. Unless otherwise approved by the Public Works Director, each RS-1 and RS-2 lot existing prior to adoption of this Development Code that fronts on and directly accesses a street shown on the Master Transportation Plan must provide a circular drive to access that street.
- C. **Street Centerline Offsets.** Streets may not have centerline offsets of less than 200 feet unless approved by the Public Works Director.
- D. **Reverse or Compound Curves.** The minimum tangent on reverse or compound curves on all streets, except local streets, must be 100 feet.
- E. **Cul-de-sacs.** In addition to the right-of-way and pavement width standards of this Section, cul-de-sac streets must comply with the following standards:

1. **Length.** The maximum length of a cul-de-sac is 600 feet, measured from the center of the intersection to the center of the turnaround. Cul-de-sac lengths in excess of 600 feet require approval of the Fire Chief.
2. **Number of Lots.** No more than 20 lots may be located on a cul-de-sac street. Cul-de-sacs that serve more than 20 lots require approval of the Fire Chief.

F. Block Length.

1. Blocks may not exceed 1,200 feet in length between intersections except where topography, traffic, or other conditions necessitate longer blocks. The Director is authorized to require that long blocks—those longer than 800 feet between intersections—include mid-block pedestrian access.
2. Neighborhood streets must be designed with elements to reduce cut-through traffic and speeding. Design elements such as curved streets, traffic circles, and short block lengths must be used.

G. Intersections.

1. Minimum tangent distances between right-of-way lines must comply with the Standard Drawings.
2. At intersections of major streets or a major and minor street, sight visibility zones must be provided in compliance with the Standard Drawings.
3. Any median opening providing access to a public or private street may be closed or channelized with a median in order to restrict the public or private street to right-turn-only movements, as determined by the Public Works Director to reduce the risk of any potential traffic hazards.

H. Curb and Gutter.

1. **General.** Curbs and gutters must conform to the Standard Drawings and Standard Specifications.
2. **Rolled Curbs and Gutters.** 30-inch rolled curb and gutter may be used on residential streets, provided that all sidewalks abutting the rolled curb and gutter are constructed with a minimum thickness of five inches of Class B concrete, and all meter covers in the sidewalk area are the traffic-bearing type.

I. Alleys.

1. Alleys not less than 20 feet in width may be provided in commercial and industrial districts except where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking that is adequate for the proposed uses. Alleys designated as fire lanes must be at least 24 feet in width.
2. If alleys are provided in residential developments, they must be a minimum of 20 feet in width and not exceed a maximum of 24 feet in width. In all cases, a minimum building to building separation of 30 feet is required. Alternative alley dimensions may be considered by in conjunction with the Director and the Public Works Director. Guest parking and off-street parking shall not be allowed within the required alley width. Alleys designated as fire lanes must be at least 24 feet in width.

J. **Street Names.**

1. All street names and addresses must conform to the standard for Street Naming and Addressing established in HMC Section 19.13.14, Street Naming and Addressing.
2. The subdivider and/or developer must purchase and install street signs in compliance with City standards.

K. **Access Streets.** All access streets must be constructed in compliance with the Standard Drawings and Standard Specifications, as approved by the Public Works Director and Fire Chief.

L. **Gates and Restrictions on Access to Streets, Driveways, or Alleys.** The standards of this subsection apply to all residential, commercial, and industrial development. They do not apply to individual detached houses with gated private driveways.

1. ***Gates on Public Streets.*** Public streets and public alleys cannot be gated.
2. ***Approval Required.*** No private street, driveway, or alley may be gated and no vehicular or pedestrian (traffic) access may be otherwise restricted along any street without the City's approval, in compliance with the standards of this Section.
3. ***New Private Streets, Driveways, and Alleys.*** Permission to restrict access from public streets to private streets or to gate or otherwise restrict access to private streets, driveways, and alleys may be granted by the Public Works Director in conjunction with the Director, provided that the proposed design does not result in a restriction of access to any existing street. Before approval of any restriction on access to a newly created street or alley, the Fire Department and any other relevant departments or agencies shall be allowed to review and provide comments.
4. ***Existing Streets.***
 - a. In the event that one or more property owners wish to restrict access on an existing public street or alley, the property owners must submit a design review application to the Community Development and Services Department. The Community Development and Services Department must forward the application to the Council for acceptance or rejection. The application must be signed by each property owner whose lot or condominium directly abuts the subject street and each owner of property on any cul-de-sacs or loop streets that are primarily accessed by the subject street. The fee for such application is the same as for an application for vacation of street rights-of-way.
 - b. If accepted, the Council must remand the application to the Citizens Traffic Advisory Board and Commission for their reviews. The applicants must cause a traffic study to be performed in compliance with the specifications of the City's Traffic Engineer, and the results of the study, along with any Police and Fire Department requirements, must be included in a plan presented to the Citizens Traffic Advisory Board. The Citizens Traffic Advisory Board must forward the results of their review to the Commission, which must then make a recommendation to the Council.
 - c. Upon receipt of the Commission's recommendation, the Council must conduct a public hearing and make its final determination to approve or deny the request.
 - d. Once approved, all improvements associated with gating the existing public street must be paid for by the HOA and/or applicant(s).
5. ***Decision-Making Criteria.***
 - a. Access to either public or private streets, driveways, and alleys may be restricted using a permanent barrier if approved by the Public Works Director and Fire Chief. This restriction applies to all vehicles with the exception of emergency vehicles that may

require passage as an option. All decisions on proposed access restrictions must be based on a determination of whether the restriction will enhance the health, safety, and welfare of the general public, and not solely serve to isolate or segregate a segment of the population or an organization from access.

- b. It is also the intent of this Subsection that no street, driveway, or alley access restriction may be authorized until all traffic and emergency access studies and all functional and aesthetic designs are completed, reviewed by the Commission, and approved by the Council. Furthermore, the Citizens Traffic Advisory Board must also review all such proposals for streets already in existence at the time of the application.

19.14.8 Sidewalks

- A. **Where Required.** Concrete sidewalks are required on all streets in accordance with the Standard Specifications and Master Transportation Plan, except as noted elsewhere in this Code. Sidewalks must be provided on both sides of streets, unless specified elsewhere in this Code.
- B. **Where Not Required.** If a trail is designated in accordance with the City’s Master Bicycle and Trails Plan, sidewalks may not also be required along the same frontage if approved by the Director and Public Works Director.
- C. **Width.**
 1. **Residential.** Sidewalks in residential zoning districts must be provided in compliance with the standards of HMC Subsection 19.14.7.B.2, Options for Minor Local/Interior Subdivision Streets.
 2. **Nonresidential.** Sidewalks in nonresidential zoning districts must be constructed in compliance with the Standard Specifications and Standard Drawings or as otherwise approved by the Public Works Director. Except the DP zone district must comply with Table 19.14.8-1, Sidewalk Width.
 3. **Downtown.** Sidewalks in downtown zoning districts must be provided in accordance with the Downtown Master Plan.

TABLE 19.14.8-1, SIDEWALK WIDTH

Zoning District	100-ft. or Greater ROW	Less than 100-ft. ROW
DP	10 ft. ^{1,3}	12-15 ft. ^{2,3,4}

Notes:

Lake Mead Parkway and Boulder Highway have a right-of-way in excess of 100 ft. All other streets within the downtown area regardless of actual dedicated right-of-way are considered to have a right-of-way width of less than 100 ft.

1 Lake Mead Parkway includes a 10-ft. detached sidewalk located 6 ft. from the back-of-curb.

2 A 12-ft. attached sidewalk measured from back-of-curb is required adjacent to all streets except Water Street. Water Street sidewalk width varies per the approved improvement plans.

3 Sidewalks must as a min. be finished concrete with a salt or acid wash and have rounded edges and scoring as needed to prevent cracking. The use of color integral concrete, pavers, stamped concrete, granite, or tile is encouraged.

4 Sidewalk width includes a min. of one 36-in. box shade tree per 30 ft. of linear street frontage in compliance with the SNWA’s Water Smart Landscapes Program Plant List. Shade trees must be located in tree wells measuring 5 ft. by 5 ft. and include iron grates. Location/type of shade trees and grates must be as approved by design review.

- D. **Location.** Sidewalks along local streets shall comply with Figure 19.14.7-A. Sidewalks along all other streets must comply with the MTP.
- E. **Construction.** Unless expressly approved by the Council, construction details must be in compliance with the Standard Specifications and Standard Drawings.
- F. **Pedestrian Connections Between Developments.** Pedestrian connections between developments must comply with the provisions of HMC Section 19.10.3, Circulation and Mobility.

19.14.9 Street Lights

- A. The electricity supply must be adequate for domestic use and street lighting.
- B. The subdivider and/or developer must furnish a statement from the electric supply company certifying that the company will furnish necessary electricity.
- C. Street lights must be located and installed in conformance with the Standard Specifications and Standard Drawings.
- D. The cost of making the connections to existing street lighting circuits is the responsibility of the subdivider and/or developer.

19.14.10 Water Supply and Fire Hydrants

- A. Water lines to fire hydrants must comply with the Uniform Design and Construction Standards (UDACS).
- B. The following information must be provided for subdivisions to be supplied by a source of water other than the City or the Las Vegas Valley Water District:
 - 1. A copy of the state well permit.
 - 2. A statement showing capacity of the well, pressure, the population that can be served from the well or wells, and the state certificate number issued for each well.
 - 3. Provisions to comply with the Fire Code.
 - 4. An agreement, approved by the City Attorney, guaranteeing continued water supply for the subdivision.

19.14.11 Easements

- A. **Utility Easements.** Uniform and continuous easements must be provided along lot lines for utility service in compliance with HMC Title 14. Easements for water and sewer must comply with the currently adopted versions of the Uniform Design and Construction Standards for Potable Water Systems (UDACS) and the Design and Construction Standards for Wastewater Collection Systems, respectively. Easements for storm sewer lines must be at least 20 feet in width unless otherwise waived by the Public Works Director. Other utility easements (for other than water, sewer, and storm sewer lines) must be a minimum of five feet in width when abutting the street lot lines and at least three feet in width when abutting interior lot lines.
- B. **Emergency Access Easements.** Emergency access easements must be at least 24 feet in width. Emergency access easements may not be divided by lot lines. In residential subdivisions, emergency access easements shall be common elements.

- C. **Cross-Access Easements.** If a proposed subdivision will accommodate cross-access from abutting parcels or subdivisions, the developer may be required to dedicate a cross-access easement in a format determined by the City.

19.14.12 Monuments

A. **General.**

1. Permanent survey monuments must be furnished, constructed, and set in compliance with the types illustrated in the Standard Drawings and located as shown on the plans or as directed by the City Surveyor. Prior approval of alternate survey monuments is required. All alternate types of survey monuments must equal or surpass the requirements in the Standard Drawings regarding quality, durability, and conformance with applicable laws and ordinances.
2. Only a land surveyor, duly licensed by the State of Nevada, is authorized to determine or establish the exact location for a survey monument, and only such registered land surveyors is authorized to perpetuate and reference existing survey monuments located within the limits of construction. The contractor will coordinate the work with the licensed professional land surveyor.
3. All monuments must be set in such a manner that the accuracy of their relative positions is not less than second-order Class II, in compliance with the specifications established by the U.S. Federal Geodetic Control Committee.

- B. **Monument Types.** Only monument types illustrated in the Standard Drawings may be used. All final maps must de-scribe the monuments in detail and not simply refer to a type.

1. ***Type I Monument.*** Type I monuments must be installed as section corner or one-quarter section corner surface monuments in a street or road section that is paved with Portland cement concrete or asphaltic concrete. Construction must be in compliance with Standard Drawings
2. ***Type II Monument.*** Type II monuments must be installed as surface monuments within a street or road section that is paved with Portland cement concrete or asphaltic concrete at one-sixteenth section corner points. Type II monuments must also be used as subsurface section corner and one-quarter section corner monuments in an unpaved street or road section where maintenance would preclude the use of surface monuments. Construction must be in compliance with Standard Drawings.
3. ***Type III Monument.*** Type III monuments must be installed at all other survey control points on the plans, such as secondary street intersections, center of hammerhead turnarounds or circular cul-de-sacs, points of curvature or tangency, points of intersection, and points of reverse or compound curvature. Construction must be in compliance with Standard Drawings.
4. ***Type IV Monument.*** Type IV monuments are reference monuments. They must be placed in compliance with Standard Drawings and with a tie-to-tie angle as close to 90 degrees as possible. Construction must be in compliance with Standard Drawings.

C. **Determination of Monument Location.**

1. In situations where street centerlines are obstructed by median islands, plantings, streetlights, or other structures, consideration should be given to placing clearly identified monuments on an off-set baseline.

2. Monumentation at a point of intersection that falls within the street limits will be preferred over setting monuments at points of curvature or points of tangency unless the point of intersection falls within an unpaved area.
- D. **Alternate Monument Types.**
1. Other types of monuments, such as “Berntsen” monuments, will be considered as an approved equal for all types of monuments except Type I monuments.
 2. Where hard rock or other physical obstructions are encountered, monument length sufficient to resist removal may vary within reasonable limits.
 3. Alternate types of survey monuments that do not meet or exceed the requirements of the Standard Drawings regarding quality, durability, and conformance with applicable laws or ordinances must be removed and reconstructed.
- E. **Construction.** Monuments must be constructed in compliance with the Standard Specifications and under the surveyor’s direction. Poor workmanship or substandard materials will not be accepted.
- F. **Survey Requirements.**
1. **Survey Required.** A complete and accurate boundary survey of the land to be divided or subdivided must be made by a Nevada professional land surveyor in compliance with the standard practices and principles of land surveying. Unless an alternate method of property line verification is approved by the building official, no foundation or footing for any structure or addition may be constructed or approved for construction by the building official unless the property’s corner markers are in place and the property boundaries identified.
 2. **Error Limit for Traverse.** The traverse of the exterior boundaries of the subdivision and of each block must close within a limit of error of one foot to 10,000 feet.
 3. **Tying in Monuments.** All centerlines of streets, property lines, monuments, alleys, and easements within or adjacent to the subdivision must be tied into the survey.
 4. **Monuments.**
 - a. Monuments must be placed at:
 - i. All angle points in the subdivision boundary;
 - ii. All angle points of tangency and points of curvature in the subdivision boundary;
 - iii. All street centerline intersections;
 - iv. All angle points of tangency and points of curvature in street centerlines;
 - v. All intersections of street centerlines with the subdivision boundary;
 - vi. All section corners, quarter corners, and sixteenth corners;
 - vii. All intersections of prolonged subdivision boundary lines with the centerline of the adjoining street; and
 - viii. All other locations determined by the City Surveyor’s office.
 - b. All monuments shall have a nonferrous metal cap made from one-piece cast virgin metal, free from casting imperfection. This cap shall be securely attached to the top of

the monument and permanently punched for marking the location. The Surveyor's registration or license number shall be stamped on the cap.

- c. Monuments may be set after approval of the final map but must be set prior to the final acceptance of the subdivision improvements. If the monuments are to be set after recordation and approval of the final map, a cash deposit or approved bond in an amount set by the Public Works Director must be filed with the City to guarantee performance of such work.
- d. All monuments shall conform to the Clark County Area Standard Drawings. In addition, surface points shall be set carrying a registered Land Surveyor's tag at all the above locations. All the above established points that fall within the limits of public or private rights-of-way shall be referenced to four firmly established ties within a radius of 20 to 100 feet. The angle from tie-to-tie shall be as close to 90 degrees as possible, radiating from the established intersection.

- G. **Subdivision Lots.** All rear lot corners must be set with a nail and tag with PLS number on block walls. All front or side lot corners adjoining public rights-of-way and private streets must be marked by saw-cutting the back-of-curb.

19.14.13 Reservations for Parks and School Sites

A. Parks and Recreation Sites.

- 1. The Commission is authorized to review proposed subdivisions in relation to park and recreation facility needs identified in adopted plans and recommend that sites within those subdivisions be reserved for such facilities when deemed essential to provide adequate public facilities and services for residents of the area. Reserved sites may not abut major collector or minor arterial streets, unless such sites are shown on the Master Parks and Recreation Plan.
- 2. Unless otherwise approved by the Commission, City parks must be surrounded by public streets or other nonresidential features such as schools, washes with rim trails, railroad or powerline rights-of-way, other approved uninhabited property, or any combination thereof. The Parks and Recreation Board must be the first board to review all proposed plans for parks and recreational facilities.

B. School Sites.

- 1. ***Notification of Plans for School Construction.*** When the Board of Trustees of a school district develops a plan for the future construction of one or more schools within the City, it must notify the Commission. The notice must include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The Board of Trustees must notify the Commission of any change in or abandonment of its plan.
- 2. ***School District Review of Tentative Map Applications.*** The Director must forward a copy of the tentative map applications to the Board of Trustees of the school district within which the proposed subdivision is located. Within 15 days after receipt of the tentative map application, the Board of Trustees must, if a school site is needed within the area, notify the Director that a school site is requested.
- 3. ***Reservation of Land.*** If the Board of Trustees requests a site, the person proposing the subdivision must set aside a site of the size determined by the Board of Trustees. The person proposing the subdivision and the Board of Trustees must negotiate a sales price for the site,

which must not exceed the fair market value of the land, as determined by an independent appraisal paid for by the Board of Trustees.

4. ***Disposal of Unused Land.***

- a. If any land purchased by a school district consistent with the provisions of this Section has not been placed in use as a school site at the end of 10 years from the date of purchase, the land must be offered to the subdivider, developer, or the successor in interest at a sales price equal to the fair market value. If such person does not accept the offer, then the Board of Trustees may:
 - i. Sell or lease such property in the manner provided in NRS 277.050 or 393.220 to 393.320, inclusive.
 - ii. Exchange such property in the manner provided in NRS 277.050 or 393.326 to 393.3293, inclusive.
 - iii. Retain such property, if such retention is determined to be in the best interests of the school district.
- b. Except as provided in this Section, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable, or impractical for any school uses or purposes, the Board of Trustees of the school district in which the land is located may dispose of the land as provided in this Section.
- c. Land dedicated under the provisions of former NRS 116.020, as it read before April 6, 1961, that the Board of Trustees determines is unsuitable, undesirable or impractical for school purposes may be reconvened without cost to the dedicator or the dedicator's successors in interest.

19.14.14 Street Naming and Addressing

A. **Street Naming.** All street names within the City must be approved by the Director.

1. ***Submittal of Street Names.***

- a. Proposed street names must be submitted to the City of Las Vegas Combined Fire Communications Center for review and approval prior to submittal of a final map application.
- b. Proposed street names must be submitted to the Communications Center of the Las Vegas Fire Department in alphabetical order and only after the applicant has eliminated duplicate street names by checking the street names against an established local map book.
- c. If foreign names are requested, the applicant must provide the English translation of each name.
- d. Approved street names shall be submitted to Community Development and Services as part of a subdivision map application or street name change application.

2. ***Street Name Guidelines.***

- a. Street names may only be used once and may not be used in any other alignment.
- b. Once a street name is assigned to any alignment, it may not change anywhere along the extension of that alignment regardless of jurisdiction.

- c. Names that are the same or pronounced the same (homonyms) or similarly with different spellings may only be used once.
- d. Only the common or correct spelling of street names will be accepted. (Example: Allen not Alan)
- e. Street names in a foreign language will be accepted provided their meaning is polite and reasonable.
- f. Names that tend to be slurred or phonetically difficult to pronounce may not be used.
- g. Primary street names are restricted to a maximum of 14 characters.
- h. Directional prefixes may not be used unless the street actually crosses a zero-grid line.

3. ***Suffixes.***

- a. “Avenue” represents a generally east/west street.
- b. “Street” represents a generally north/south street.
- c. “Boulevard” represents a 100-foot-wide street.
- d. “Road” represents an 80-foot-wide street.
- e. “Lane” represents a generally northeast/southwest street.
- f. “Place” represents a generally northwest/southeast street.
- g. “Drive” represents a multi-directional curved street.
- h. “Way” represents an “L”-shaped street with either leg 200 feet.
- i. “Circle” represents a street starting and ending on the same street or itself.
- j. “Court” or “Square” represents a cul-de-sac with no side streets.
- k. Other suffixes not shown on this list may be used as approved by the Director. Proposed suffixes may not replace one of the above suffixes but must address a special situation.
- l. Foreign street names with suffixes at the beginning of the street name do not require an additional suffix. (Example: Via Firenze not Via Firenze Street).

4. ***Alignments.***

- a. A new street must assume the name of the street in which it aligns unless the new street does not and cannot in the future connect to an existing street segment along the alignment.
- b. Once a street name is assigned to a particular alignment, it may not be assigned to any other alignment.
- c. A knuckle, less than 100 feet in length and located off any given street, must assume the name and numbering of the street that it adjoins.
- d. A motor court for accessing cluster lot or small lot development will be addressed off of the main street. The motor court may not be named.
- e. A horseshoe-shaped street may maintain its own street name. Whenever possible, a name change must occur at natural breaking points such as intersections and knuckles.

5. ***Exceptions.*** Any exception to these requirements must be approved by the Director. Decisions will be based on consistency and issues related to life safety.

6. ***Street Name Changes.***

- a. ***Applicability.*** A street name change application is required for all proposed street name changes.
- b. ***Application Filing.*** Applications for street name changes must be submitted to the Director.
- c. ***Streets on Master Transportation Plan.*** Street name change applications for roadways identified on the Master Transportation Plan shall be forwarded, along with a recommendation by the Director in consultation with the Public Works Director, to Council for consideration provided that the proposed street name change meets all of the following criteria:
 - i. The street name change is not in conflict with any portion of the goals, strategies, or policies of the Henderson Strong Comprehensive Plan;
 - ii. The proposed street name change will not have any adverse impacts on vehicular or pedestrian traffic;
 - iii. The proposed street name change will not have a negative effect on the routing or response time of emergency services;
 - iv. The applicant will be responsible for all costs incurred by the City in replacing existing street name signs in accordance with Public Works requirements, and any other costs directly related to the street name change; and
 - v. The applicant may be required to compensate other affected property owners for costs incurred as a result of the street name change, including changes to signage, stationary, and other documents that include the property owner's street name and address, upon request by any property owner with access to the roadway proposed for the street name change.
- d. ***Streets not on the Master Transportation Plan.*** The Director shall review all other proposed street name change applications per the following approval criteria. Upon completion of the review, the Director must prepare a letter of decision for the applicant. Approval criteria are as follows:
 - i. Applicant must own property with access to the roadway proposed for the street name change;
 - ii. Applicant must provide signed and notarized letter(s) of approval from every property owner with access to the street proposed for change;
 - iii. The proposed change may not have any adverse impacts on vehicular or pedestrian traffic;
 - iv. The proposed change may not have a negative effect on the routing or response time of emergency services; and
 - v. The applicant is responsible for replacing all existing street name signs in compliance with Public Works requirements.

B. **Addressing.**

- 1. ***General Standards.*** All lots, buildings, and structures within the City must be numbered in compliance with the provisions HMC Section 19.14.15, Building Addressing.

- a. **Address Assignment and Record Keeping.** The Director must assign numbers to all structures and lots within the City and must maintain a database containing those numbers.
 - i. For the purpose of address assignment, curved streets must be treated as if they were straight.
 - ii. Lots fronting on a loop street must be addressed without regard to the change of direction. The numbers assigned must be within the address range available within the appropriate hundred blocks along the primary direction of the loop. The addresses must be assigned starting at the entrance to the loop and continuing counterclockwise around the outside. The opposite even or odd numbers must be assigned continuously around the inside of the loop.
 - b. **Addressing Grid.** Generally speaking, the intersection of Lake Mead Parkway and Boulder Highway represents the initial point. However, the City of Henderson Address Grid Map must be used when determining location of properties within the grid.
 - c. **Odd and Even Numbers.** Even numbers must be located on the north and east sides of streets and odd numbers must be located on the south and west sides.
2. **Exceptions.** Any exception to these requirements must be approved by the Director. Decisions will be based on consistency and issues related to life safety.
3. **Address Number Changes.**
 - a. **Applicability.** An address number change application is required for all proposed changes to the assigned address number.
 - b. **Application Filing.** Applications for address number changes must be submitted to the Director.
 - c. **Community Development and Services Director's Review and Discretion.** The Director must review each proposed address number change based on the approval criteria of this Subsection. Upon completion of the review, the Director must prepare a letter of decision for the applicant.
 - d. **Approval Criteria.**
 - i. Applicant must be the owner or represent the owner of the parcel proposed for the address number change.
 - ii. The proposed change may not have any adverse impacts on vehicular or pedestrian traffic.
 - iii. The proposed change may not have any adverse effect on emergency service routing or response time.
4. **Residential Addressing.**
 - a. **Single-Family.** Addresses must be assigned by the Director either as part of the final map process (for a subdivision) or when applying for a building permit (for other lots).
 - i. **Addressing Application.** A conformed copy of the final map along with an addressing application must be filed with the Development Services Center in order to obtain addresses. The Director must provide a copy of the address numbers on the conformed copy of the recorded map and a list of the addresses to the applicant.

- ii. Early Addresses. Addresses may be obtained prior to final map recordation for the purpose of securing model home, retaining wall, or perimeter wall permits only, provided the following criteria is met:
 - (a) An application is filed in the Development Services Center.
 - (b) The final map has gone through one complete review and has no significant corrections that would affect the street and lot layouts.
 - (c) The street names and suffixes are approved.
 - (d) Fees are paid.
 - b. *Multifamily.* Addresses for apartments may be obtained upon submittal of building permits or as part of the entitlement process. Addresses for condominiums or townhomes may be obtained after recordation of the final map or as part of the early addressing process described in this Section.
 - i. Multiple buildings on one parcel must receive one common address and use unit number for specific identification of units. This standard applies to apartments and condominiums. Townhomes may have individual addresses for each unit provided the townhome subdivision is not mapped as a condominium subdivision with limited use common elements.
 - ii. Multiple-unit buildings located along privately dedicated, named streets must be given one address for each building with individual unit numbers assigned to each unit within the building.
 - iii. Unit Numbers and Building Numbers.
 - (a) Assigned building numbers must begin with the number one at the primary entrance and continue counterclockwise. Building numbers may not use letters of the alphabet.
 - (b) All units of all buildings shall be provided with a unique unit number.
 - (1) If single story, the units shall be numbered in numeric sequence, beginning with number one and continuing in a counterclockwise direction from the primary entrance.
 - (2) If multi-story, with less than 100 total units per story for the entire development, a three-digit number shall be assigned to each unit starting at the primary entrance and continuing counterclockwise with the first digit representing the floor of the building as follows:
 - B100-B199 for the first level below grade
 - 101-199 for first floor units
 - 201-299 for second floor units
 - 301-399 for third floor units, etc.
- The corresponding unit numbers shall “line-up”, one above/below the other as follows:
- 301-399, 3rd floor units are directly above the 2nd floor

201-299, 2nd floor units are directly above the 1st floor

101-199, 1st floor

B100-B199 Basement level 1 directly below the 1st floor

- (3) If multi-story, with more than 100 or more total units per story for the entire development, four-digit numbers shall be assigned to each unit starting at the primary entrance and continuing counterclockwise with the first digit representing the floor of the building as follows:

B1000-B1099 for the first level below grade

1001-1999 for the first-floor units

2001-2999 for the second-floor units

3001-3999 for the third-floor units, etc.

The corresponding unit numbers shall “line-up”, one above/below the other as follows:

3001-3999, third-floor units are directly above the 2nd floor

2001-2999, second-floor units are directly above the 1st floor

1001-1999, first-floor

B1000-B1099, Basement level 1 directly below the first-floor

- (4) Projects which are large enough to create an address that cannot conform to the unit addressing system shall have addresses assigned on a case-by case basis while holding to as many established standards as possible.

5. ***Nonresidential Addressing.*** Addresses may be obtained upon submittal of building permits or as part of the entitlement process.

- a. Each building within a nonresidential subdivision must be assigned an individual address.
- b. *Suite Numbering for In-Line Retail/Commercial Centers and “Spec” Warehouse Buildings.*
 - i. All units within buildings must be assigned a suite number.
 - ii. No alphabetic or fractional suite designators are allowed.
 - iii. Suites must be in the “100s” format and increase by 10s where possible.
 - iv. The first digit of a suite must always be the number of the floor on which the suite is situated (most in-line retail and warehouse buildings will only have suites in the 100s).

- v. Suite numbers must be pre-assigned to all possible lease spaces first. For tenants who occupy more than one minimum-sized lease space, use the lowest number.
 - vi. Suite numbers must increase from left to right as one stands in front of a building looking at the building.
 - vii. Suite numbering restarts from 100 for each individually addressed building segment.
 - viii. Reserving suite numbers in cases where tenants occupy more than one lease space leaves numbers available should the tenant ever move or split into smaller lease spaces.
6. ***Suite Numbering for “Pad” Buildings and Office Buildings.***
- a. No alphabetical or fractional suite designators allowed.
 - b. Suites must be in the “100s” format and increase by 10s where possible.
 - c. New buildings constructed on parcels with buildings that do not comply with this ordinance are subject to this ordinance provided new suite numbers do not create confusion for emergency services.
 - d. The first digit of a suite must always be the number of the floor on which the suite is situated.
 - e. Even- and odd-numbered suites must be on opposite sides of internal corridors from one another. Where possible, even-numbered suites must be on the north/east side of internal corridors and odd-numbered suites on the south/west side of internal corridors.
 - f. Pad and office buildings will be assigned their own individual street addresses. A central address with multiple building numbers is not acceptable.
 - g. If a pad building is divided into suites with entrances on more than one side of the building, suites must be numbered in a counterclockwise manner, starting from the left side of what would reasonably be considered the front of the building, or the side facing the main vehicular access to the building.

19.14.15 Building Addressing

- A. **Address Identification.**
- 1. New and existing buildings shall have approved address identification.
 - 2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.
 - 3. Address identification shall comply with the requirements of the fire code official.
 - 4. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

B. Color, Style, and Height Specifications.

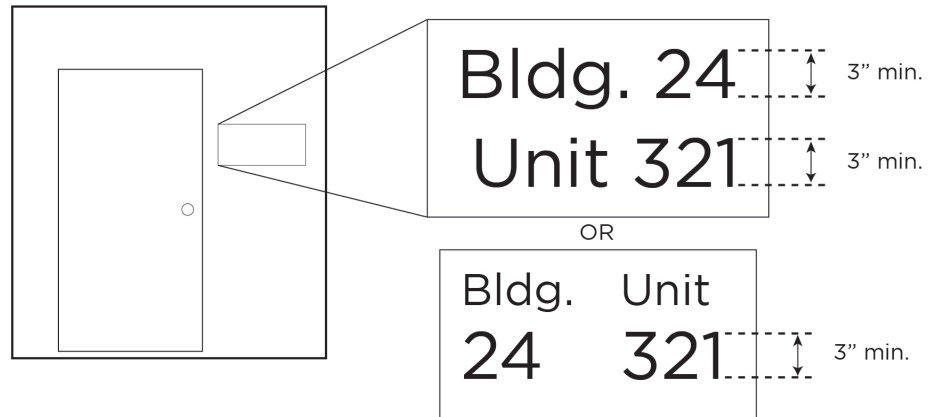
1. Color of numbers and letters shall be of a contrasting color to the background to which they are attached and must be visible at all times from the street or road fronting the property.
2. Building and suite numbers shall be Arabic and not spelled out. Building and suite letters shall be alphabetical. Numbers and letters shall conform to the following:
 - a. Single-family homes shall be a minimum of six-inch numbers and letters.
 - b. All commercial, industrial, and semipublic buildings shall be a minimum of eight-inch numbers and letters when less than 50 feet from the curb line, a minimum of 12-inch numbers and letters when more than 50 but less than 100 feet from the curb line, and a minimum of 18-inch numbers and letters when located farther than 100 feet from curb line.
 - c. Multiple-story commercial, industrial, and semipublic buildings shall be a minimum of 18-inch numbers and letters.
 - d. All commercial, industrial, and semipublic suite numbers shall be a minimum of six inches.
3. Multifamily unit numbers shall be a minimum of three inches in height. Building numbers shall be a minimum of 18 inches in height.
4. All numbers and letters shall be illuminated from dusk to dawn. Commercial, semipublic, or industrial rear-door suite numbers are exempt from the illumination requirement.
5. Each number, character, and letter must be a minimum stroke width of 0.5 inch.

C. Location.

1. The identification signs and addresses for commercial, industrial, semipublic, and multifamily developments shall be mounted in a permanent and durable manner and shall be visible at all times from public access to the property. Placement shall not conflict with mature trees, plants, or other structures such as carports. When practical, address numbers shall be located on the upper building fascia or parapet approximately 12 inches from the roofline for visibility.
2. No other number shall be affixed to a building that might be mistaken for, or confused with, the number assigned to that building.
3. The address for single-family and attached dwellings shall be placed as follows:
 - a. The number for each house shall be placed on the front of the house.
 - b. If the dwelling is adjacent to an alley, the number shall be placed on or adjacent to the rear gate accessing the alley.
 - c. If the house is not viewable from the street frontage, a permanent monument with the site address shall be placed in a conspicuous place, or the site address may be placed on a curbside postal mailbox. The house number shall be placed on both the permanent monument or the mailbox and the building structure.
4. The building and unit number for multifamily buildings shall be placed as follows:
 - a. Each principal building shall display the number assigned on each side of the building visible from public access to the building. Additional display of numbers shall be placed at the midpoint of the structures. for structures over 200 feet in length.

- b. Illuminated building and unit numbers shall be placed adjacent to the entry door to each unit. See Figure 19.14.15-A, Illuminated Unit Number Adjacent to Door. For buildings with recessed entryways, the illuminated unit number shall be placed in the entryway to the recessed area, and an additional unit number may be required adjacent to the entry door to each unit. If the recessed area provides access to more than one dwelling unit, each unit's number shall be displayed.

FIGURE 19.14.15-A, ILLUMINATED UNIT NUMBER ADJACENT TO DOOR



5. The address for commercial, industrial, and semipublic developments shall be placed as follows:
 - a. Each building shall display the number or letter assigned on each side of the building visible from public access to the building. Additional display of numbers shall be at the midpoint of the structure for structures over 200 feet in length. When building addresses are not facing the street they are addressed from, the street name shall be provided. The size of the letters for the street name shall be at least half the height of the address numbers.
 - b. The numbers assigned to each individual suite in a commercial, industrial, or semipublic building shall be displayed at both the front and rear entrances.
6. **Roof Addresses.** All non-residential buildings and multifamily developments shall have placed and maintained on their uppermost flat roof the numerals of their street address. The numerals shall contrast in color with their background and be no less than three feet in height, with appropriate width and spacing to make them plainly legible from the air. Numerals shall be placed on the roof parallel to the street of legal address and shall not be visible from the street. In shopping centers with multi-tenant structures, individual businesses will not be required to display the numerals, provided the largest building displays one set of numerals; multifamily developments with a single site address are only required to display the numerals on one flat roof legible from the air but not from ground level.

19.14.16 Condominium Conversions

- A. **Purpose.** The purpose of this Section is to safeguard the public health, safety, convenience, and general welfare, and to bring about orderly, coordinated development by establishing minimum standards of design and improvement of any condominium conversion in the City.

B. Application.

1. Applications for condominium conversion shall be submitted to the Director. Concept plan review in compliance with HMC Subsection 19.19.4.C, Concept Plans, is required prior to application submittal.
2. The filing of a tentative subdivision map for the conversion of apartments to condominium ownership shall follow the procedures in HMC Section 19.29.4, Tentative Maps.
3. Condominium conversions of more than six units shall also require the filing of an application for a PUD overlay district consistent with HMC Section 19.8.6, Planned Unit Development Overlay District. The following information shall be incorporated into the application for review:
 - a. Number of stories and height of each building.
 - b. Density in dwelling units per acre.
 - c. Total number of parking spaces and stall and aisle sizes.
 - d. Area of site to be covered by structures and area to be landscaped.
 - e. Floor area per unit.
 - f. Type of construction.
 - g. Location of trash enclosures.
 - h. Rental history and project profile.
 - i. Building and Grounds Condition Report.

C. Condominium Conversion Standards.

1. ***Parking Requirements.*** The project shall conform to all applicable parking requirements of HMC Section 19.12, Parking and Loading Standards.
2. ***Utilities, Location, and Metering.*** The purpose of this Subsection is to ensure that the utility services are provided in compliance with all local utility requirements and the following:
 - a. ***Location.*** Each dwelling unit shall be served by gas and/or electric services. No common gas or electrical connection or service shall be allowed. Easements for gas and/or electric lines shall be provided in the common ownership area where lateral service connections shall take place.
 - b. ***Undergrounding.*** All new onsite and offsite minor utilities except switch boxes, transformer boxes, and cap banks across property frontage shall be underground.
 - c. ***Metering.*** Each dwelling unit that provides gas and/or electric service shall be separately metered for gas and/or electricity. A plan for the equitable sharing of communal water metering and other shared utilities shall be included in the covenants, conditions, and restrictions.
3. ***Refurbishing, Restoration, and Fire Protection.***
 - a. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, and driveways shall be refurbished and restored to meet the minimum standards of the Building Code at the time the building was constructed. Landscaping shall comply with current Code requirements as practical.
 - b. Smoke alarms shall be installed within dwelling units and designed to operate in compliance with the applicable Code. Smoke alarms shall be interconnected, shall

receive their primary power from the building wiring, and shall be equipped with a battery backup. Within sleeping rooms in accessible units or within designated accessible units, smoke alarms shall include a visual notification device to notify hearing-impaired occupants.

4. ***Contingency Fees.***

- a. As required by NRS 116.310395, the developer shall create a contingency or reserve fund for condominium conversions to provide a surety or performance guarantee for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic, and environmental maintenance of the community, as well as to protect the general welfare, public health, and safety of the community.
- b. Upon the close of escrow for each unit, the applicant shall convey to the property owners' association's contingency fund a minimum fee of \$200 per dwelling unit. When 50 percent or more of the total units in the project have been sold, the applicant, within 30 days, shall convey such fee for each of the unsold units. Such funds shall be used solely and exclusively as a contingency fund for emergencies that may arise relating to common open space, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the property owners' association.

5. ***Property Owner's Association.*** Prior to recordation of a final map, the applicant shall submit a copy of the owner's association's (i.e., Property Owners' Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and (if applicable), resident agent to the Community Development and Services Departments.

- D. **Conversions.** In addition to the requirements and procedures set forth in other sections of this Code, applicants for conversions shall provide the following information and comply with the following regulations:

1. ***Rental History and Project Profile.*** A statement of specific information concerning characteristics of the project, consisting of the following:
 - a. Monthly vacancy rate for the development during the preceding three years.
 - b. Proposed sale price of each unit.
 - c. Proposed property owners' association fee.
 - d. Summary of units that meet the extended lease arrangements criteria set forth in this Subsection.
2. ***Building and Grounds Condition Report.*** The applicant shall provide, at his or her own expense and in a format acceptable to the City, a Building and Grounds Condition Report prepared by a licensed civil engineer or licensed architect. The Building and Grounds Condition Report shall be provided to the building official and the Director and shall contain the following information:
 - a. An evaluation of the condition of each building in the project, to include estimate of life expectancy of building components and systems (roof, exterior finishes, mechanical equipment, and appliances). Building components and systems with less than a five-year life expectancy shall be replaced prior to occupancy by the purchasing tenant.
 - b. An evaluation of the condition of all site features such as parking areas, accessory buildings, landscaped areas, driveways, sidewalks, carports, any amenities, fences, and utility systems.
 - c. Certification that all electrical, mechanical, plumbing, and fire/life safety systems are maintained in safe working order under the Building Codes that were applicable when

the buildings were constructed. The report shall also include any notices of manufacturer recall(s).

- d. A copy of this report shall be provided to each prospective buyer of a converted unit prior to opening an escrow account. Any deficiencies shall be corrected prior to recordation of a final map.

3. ***Recommendation.***

- a. The Director, in conjunction with the Public Works Director and the building official, then shall evaluate the structures and grounds and make a recommendation as to what alterations to the buildings and grounds are necessary to ensure that any converted complex does not place an undue financial burden on the property owners' association.
- b. Alterations that are required immediately shall be performed prior to final subdivision map approval. In the event an alteration does not require immediate completion but will be necessary within three years of the date of final subdivision map approval, the Director, in consultation with the Public Works Department, shall deposit in an account the estimated cost of the alteration in an amount sufficient to cover the cost for the use of the property owners' association.
- c. This information and evaluation will be incorporated into the planned unit development permit review process for Council evaluation.

4. ***Noticing Requirements.***

- a. A notice of intent to convert shall be delivered to each tenant by certified mail within 15 days after the planned unit development application is filed with the Director.
- b. The form of the notice shall be approved by the Director and shall contain the following information:
 - i. Name and address of current owner.
 - ii. Name and address of proposed applicant.
 - iii. Approximate date on which the final subdivision map is to be filed.
 - iv. Notice of tenant's right of first refusal.
 - v. Notice of tenant's approximate vacation date.
 - vi. Notice of tenant's right to receive a relocation cost payment.
 - vii. Notice of special cases for extended lease arrangements.
 - viii. Notice of tenant's right to vacate the unit 120 days from the recordation of the final map.
- c. The applicant shall submit a notarized certificate of mailing, including a list of all tenants that were noticed, to the Director within 15 days after the planned unit development application is filed.
- d. Any and all subsequent tenants shall be notified prior to lease signing of all items listed in the Subsection above.

5. ***Tenant's Right of First Refusal.*** Any present tenant(s) of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied, at the price offered the

public. The right of first refusal shall extend for a period of at least 90 days after final map approval or initial offering for sale, whichever is later in time.

6. ***Vacation of Units.*** Each non-purchasing tenant not in default under the obligation of the rental agreement or lease under which the unit is occupied shall have not less than 120 days from the recordation of the final map to vacate the premises.
7. ***Extended Lease Agreements.***
 - a. Any non-purchasing tenant age 62 or older, or handicapped, shall be offered in writing an extended lease of six months for each year he or she has resided in the project, not to exceed five years. This lease will stipulate that the monthly rent on the unit so leased will increase only as much as the Consumer Price Index for the Western States, U.S. city average, all goods, all urban consumers, as calculated by the Bureau of Labor Statistics of the U.S. Department of Labor, or its successor index, herein referred to as CPI. Any non-purchasing tenant with two or more children under the age of 18 residing in the unit shall be offered in writing the same lease arrangements. The offer in writing shall be sent to the applicable non-purchasing tenants with the NRS-required, 120-day notice to vacate.
 - b. A tenant's rent shall not be increased within two months prior to a project application, nor shall rent be increased by more than the CPI for two years from the time of the filing of the project application or until relocation takes place.
8. ***Relocation Cost Payment.***
 - a. The applicant shall provide a one-time relocation cost payment of two times the monthly rent or \$2,000, whichever is greater, per unit, for all existing tenants whose tenancies have been terminated for the purpose of converting or selling their units, after receipt of the NRS-required, 120-day notice to vacate from the applicant.
 - b. Nothing in this Section shall serve to excuse a landlord from any obligation to reimburse a tenant security deposit. Relocation fees shall be paid to tenants no later than 90 days following the NRS-required, 120-day notice to vacate.
9. ***Tenant Incentives.*** The following incentives shall be offered by the applicant to tenants of the affected conversion:
 - a. The developer shall not penalize those tenants who wish to break their lease following receipt of the NRS-required, 120-day notice to vacate.
 - b. The developer shall refund the security deposits of all tenants who relocate from the property following receipt of the NRS-required, 120-day notice to vacate. However, the refund is subject to all lease provisions excluding any penalties for tenant-initiated termination. Developers shall comply with all requirements regarding refunding as provided by NRS. If the tenant enters a lease at one of the developer's other rental properties, the security deposit will be applied towards the new apartment home subject to any deductions allowed by the lease.
 - c. No later than 90 days following the NRS-required, 120-day notice to vacate, the developer shall provide to the tenants a current list of City apartment rental properties that have vacancies within the same general price range as the proposed conversion.
 - d. The developer shall contribute two percent of the sales price towards closing costs for any existing tenants who purchase a unit within the development.
 - e. For those tenants who are disabled, the developer shall establish a program where the units occupied by disabled tenants shall be offered to investor purchasers. Rents shall

not increase until the end of the lease and then could only be increased at a rate no greater than the rate of increase of the CPI. This will allow the tenants to continue to occupy their units while paying rent to the new owner.

- f. Working with Housing and Community Resources, the developer shall host a “Home-Buyer Fair” at the property no later than 30 days after the NRS-required, 120-day notice to vacate has been issued. This event shall give tenants the opportunity to meet with various lenders and City representatives to learn about the programs available.
 - g. The developer shall reserve a minimum of 10 percent of the total number of units being converted to condominiums within the project boundaries as affordable/workforce attainable units (units affordable to households earning less than 120 percent of the Clark County Area Median Income). No less than 50 percent of these units shall be affordable as defined by HUD. Affordable units shall be distributed throughout the buildings within the project. The developer shall record a deed restriction on these affordable units to ensure their continued affordability.
 - h. The developer shall provide \$200 for each unit being converted to a condominium to the Condominium Incentive Fund (CIF) with the Neighborhood Services Department for its costs incurred in monitoring compliance with the obligations set forth within this Section and in providing technical assistance to non-purchasing tenants in their relocation. This fee is to be paid to the City at the sale of each unit.
10. ***Required Findings of Fact.*** The Council shall not approve an application, nor shall applications be accepted for, the conversion of apartments to condominiums unless the Council finds that the current rental housing vacancy rate is above five percent in the Clark County area, as determined by the Center for Business and Economic Research (CBER) Quarterly Report.
11. ***Considerations for Approval.*** Council approval of an application for the conversion of apartments to condominiums shall be based upon consideration of all the following criteria:
- a. Compliance with all provisions of this Section.
 - b. Consistency with the policies of the Henderson Strong Comprehensive Plan.
 - c. Determination that the proposed conversion will not create a shortage of rental housing such that an imbalance between rental and ownership housing exists.
 - d. Determination that the overall design and physical condition of the condominium conversion does not adversely impact the health, safety, and welfare of the community.

Chapter 19.15 Nonconformities

Sections:

- 19.15.1 Purpose and Applicability
- 19.15.2 General to all Nonconformities
- 19.15.3 Nonconforming Uses
- 19.15.4 Nonconforming Lots
- 19.15.5 Nonconforming Structures
- 19.15.6 Nonconforming Signs
- 19.15.7 Nonconforming Site Features

19.15.1 Purpose and Applicability

- A. **Purpose.** This Chapter establishes rules for uses, structures, lots, signs, and other situations that came into existence legally, but do not comply with one or more requirements of this Code.
- B. **Applicability.** This Chapter applies to nonconformities created by initial adoption of or amendments to this Code. It also applies to nonconformities that were legal nonconformities under previously applicable ordinances, even if the type or extent of nonconformity is different.

19.15.2 General to All Nonconformities

- A. **Continuation Permitted.** Any nonconformity that legally existed on the effective date of the Code, or that becomes nonconforming upon the adoption of any amendment to this Code may be continued in compliance with the provisions of this article.
- B. **Expansion Prohibited.** Except as expressly set forth in this Section, the general rule is that a nonconformity shall not be expanded or enlarged, as it is the intent of this Code that nonconformities are encouraged to become conforming over time. A legal nonconformity may be allowed to be enlarged or extended only upon providing sufficient evidence to the satisfaction of the Director that the enlargement or extension increases the degree of compliance with the Code.
- C. **Determination of Nonconformity Status.** The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property is a legal nonconformity as specified in this Chapter.
- D. **Repairs and Maintenance.** Incidental repairs and normal maintenance of nonconformities shall be permitted unless the repairs increase the extent of the nonconformity or are otherwise expressly prohibited by this Code. If a nonconformity is substantially renovated or remodeled to the extent of requiring a building permit, the nonconformity must be brought into compliance with the requirements of the Code existing as of the permit date. Nothing in this Chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in compliance with an official order of a public official.
- E. **Tenancy and Ownership.** The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

19.15.3 Nonconforming Uses

A. Expansion.

1. **General.** A nonconforming use may be enlarged or expanded only if reviewed and approved in compliance with the CUP procedures of HMC Chapter 19.22, Conditional Use Permits.
2. **Single-Family Homes.** Existing single-family homes located in the CO, CC, CH, CT, CA, DR, and DX districts may be expanded or accessory structures added without obtaining a CUP, provided the expansion or accessory structure is developed in compliance with the previous density and dimensional standards of the original zoning district in which the single-family home was constructed and/or the standards of HMC Chapter 19.9, Use Regulations, whichever is applicable.

B. Change of Use.

1. A nonconforming use may only be changed to a use allowed in the zoning district in which it is located, except in the DX district, an existing single-family residential dwelling unit may be converted to a commercial use, subject to compliance with all provisions of the Building Code, Fire Code, and this Code.
2. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

C. Compliance with Performance Standards Required.

A use that does not comply with the performance standards of HMC Section 19.10.13, Operational Performance, shall not be enlarged or extended unless the enlargement or extension increases the degree of compliance with the performance standards.

D. Loss of Legal Nonconformity Status.

1. **Abandonment.** Except for single-family dwelling units, if a nonconforming use ceases for any reason for a period of more than 180 days or other period of time as specified by the Council as part of a closure plan, the use shall be considered abandoned. Once abandoned, the use shall lose its legal nonconforming status which cannot be renewed or reestablished. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.
2. **Damage or Destruction.**
 - a. If a building or structure housing a nonconforming use is destroyed by a fire or other natural cause, the nonconforming use may be reestablished within six months after the fire or other natural cause. The reestablishment of the building or structure must occur after design review approval and shall begin within six months of the date of the destruction or damage. Any new structure shall be reviewed for compliance with all applicable regulations of the Code.
 - b. This damage or destruction provision shall not apply to single-family dwelling units in residential zoning districts or for single-family dwelling units in the Downtown Redevelopment Area, which may be reconstructed with the same footprint area and floor area or less, provided there is no increase in any other nonconformity.
 - c. The extent of damage or destruction shall be based on the ratio of the estimated cost of restoring the structure to its condition prior to such damage or destruction to the estimated cost of duplicating the entire structure. Estimates for this purpose shall be made by, or shall be reviewed and approved by, the building official.

19.15.4 Nonconforming Lots

A. **Residential Lots.**

1. ***General.***

a. In the residential zoning districts a single-family dwelling and customary accessory structures may be developed on any single lawfully-established nonconforming lot existing on the effective date of the Code subject to any applicable provisions of this Code. This provision applies even if the lot fails to comply with the standards for area or width in the district in which it is located.

b. The lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.

c. Development of a single-family dwelling on the lot shall comply with the other zoning district standards, to the maximum practical extent.

2. ***Combination of Lots.*** If two or more nonconforming lots of record are in single ownership on March 1, 2010, or on the date they become nonconforming, and if all or part of these lots do not comply with the lot area standards for the zoning district where located, the lots involved shall be considered to be an individual lot for the purposes of this Code. No portion of these lots shall be used or sold that does not comply with the lot area standards in this Code, nor shall any division of the lots be made that leaves remaining any lot that fails to comply with this Code's lot area standards.

B. **Nonresidential Lots.**

In the nonresidential districts, and subject to any applicable provisions of this Code, a permitted use may be developed on any single nonconforming lot existing on March 1, 2010, or the date the lot of record became nonconforming, subject to approval of a conditional use permit in compliance with HMC Chapter 19.22, Conditional Use Permits. This provision shall apply even if the lot of record fails to comply with the standards for lot widths and area that are applicable in the district. In considering the application for a conditional use permit, the Commission shall ensure the design and location of the proposed use is compatible with surrounding uses. Development of the permitted use on a nonconforming lot shall comply with the other intensity and dimensional standards of the district, to the maximum practical extent.

19.15.5 Nonconforming Structures

A. **Use.** Except where prohibited by this Chapter, a nonconforming structure may be used for any use allowed in the underlying zoning district, including a legal nonconforming use.

B. **Expansion.** A nonconforming structure may be expanded as long as the expansion does not increase the degree of nonconformity.

C. **Moving.** With the exception of a structure designated as an "historic" structure by inclusion on a local, state, or national register of historic places, a nonconforming structure shall not be moved in whole or in part to any other location unless the move results in the entire structure being brought into compliance with all applicable zoning district regulations and development standards of this Code.

D. **Loss of Nonconforming Status; Damage or Destruction.**

1. If a nonconforming structure is destroyed by any means, it may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located. This provision shall not apply to single-family dwelling units in residential or DR zoning districts,

which may be reconstructed with substantially the same floor area, provided there is no increase in any other nonconformity, except for historic structures. For more information related to the DR zoning district, see the Downtown Master Plan.

2. **Termination by Destruction.** Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by earthquake, fire, flood, windstorm, snowstorm or other abnormal and identifiable event, except as follows:
 - a. **Fifty Percent or Less:** If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to its nonconforming condition and the use continued, provided that a building permit is secured, reconstruction is started within 180 days from the date of the damage, and such reconstruction is diligently pursued to completion.
 - b. **Exceeds Fifty Percent:** If the cost of repairing or replacing the damaged portion of the structure immediately before the damage, or the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
 - i. This limitation shall not apply if doing so would decrease the number of affordable rental housing units available. The City will identify if the property qualifies as low-income rental housing based on federal, State, or local subsidies or program participation.
 - c. **Appraised and Estimated Values.** All appraised values referred to in this Section shall be determined by a State licensed appraiser and confirmed by the Building Official.
 - i. Estimates of the cost of repairing or replacing the damaged portion of the structure for purposes of this Section shall be made by the owner for review and approval by the Building Official. Estimates shall be based on the minimum cost of construction in compliance with the Building Code.

19.15.6 Nonconforming Signs

- A. **Determination of Nonconforming Status.** Existing signs that do not conform to the specific provisions of this Code are considered “nonconforming” and will be permitted to remain, provided that:
 1. The sign was lawfully installed in conformance with any required permit and complied with all regulations and laws in effect at the time of installation; and
 2. The Director determines that such signs are properly maintained and do not endanger the public in any way.
- B. **Ownership.** The status of a nonconforming sign or sign structure is not affected by changes in ownership.
- C. **Maintenance and Repair.** Sign maintenance, sign repair, and changing of permanent sign faces are allowed provided structural alterations are not made and the sign is not increased in size or height.
- D. **Loss of Nonconforming Status.** A nonconforming sign must be removed or otherwise brought into conformance with this Code if:
 1. The sign is relocated or replaced;

2. The structure or size of the sign is altered in any way except toward compliance with the sign regulations of this Chapter;
 3. The sign is damaged or deteriorated by more than 50 percent of its material structural value, as determined by the Director; or
 4. A nonconforming billboard sign fails to meet the requirements of HMC Section 19.13.5, Billboards.
- E. **Alterations.** Except for message changes authorized by this Code, no nonconforming sign may be altered unless a building permit to do so is issued and the sign is brought into conformance with the requirements of this Code at the time of alteration.
- F. **Remodels.** Remodeling a sign in any continuous 12-month period that costs more than 25 percent of the current assessed value of the structure (at the option of the applicant) shall require full compliance with HMC Chapter 19.13, Signs.
- G. **Expansions.** Any expansion to the sign shall require full compliance with HMC Chapter 19.13, Signs, or an approved master sign plan.

19.15.7 Nonconforming Site Features

- A. **Purpose.** The purpose of this Section is to provide a means by which the City may require certain nonconforming site features to come into compliance with the standards of this Code as part of major reinvestment on the site.
- B. **Applicability.**
1. For purposes of this Section, the term “nonconforming site features” includes the following:
 - a. Nonconforming screening of mechanical equipment;
 - b. Nonconforming screening walls or fences;
 - c. Nonconforming driveway surfacing;
 - d. Nonconforming parking;
 - e. Nonconforming landscaping; and
 - f. Nonconforming urban design and architecture standards in the DX, DR, and DP zoning districts.
 2. If an application is filed for a building permit(s) for the reconstruction, remodeling, expansion, or other improvements of a building or site that has one or more nonconforming site features, and the value of the proposed improvements totals at least 25 percent of the assessed value of the existing structure as listed on the latest tax rolls, the applicant shall be required to address the nonconforming site features as provided in this Section.
 3. The Director may develop administrative guidelines to assist in the implementation of this Section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into conformance with the requirements of this Code because of particular site constraints or impacts upon adjacent properties.

C. **Exterior Remodeling of Buildings.**

1. ***Off-Street Parking, Driveway Surface, Landscaping, Perimeter Buffers, and Screening.***

- a. *More Than 25 Percent but Less Than 75 Percent of Structure Value.* Remodeling in any continuous 12-month period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, driveway surface, landscaping, perimeter buffer, and screening standards of this Code be installed or upgraded on the site, until the site achieves 100 percent compliance.
- b. *75 Percent or More of Structure Value.* Remodeling projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, driveway surface landscaping, perimeter buffer, and screening standards of this Code.
- c. *One Additional Parking Space Required.* When only one additional off-street parking space is required under this Subsection as a result of a remodeling project, such additional off-street parking is not required to be installed.

2. ***Physically Constrained Properties- Comply to Maximum Practical Extent.***

- a. Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum practical extent, as determined by the Director.
- b. For purposes of determining when a correction is required, the cost of the remodeling shall be as shown on the approved building permit application. Assessed value shall be based upon Clark County Assessor information.

D. **Loss of Nonconforming Status.** Nonconforming site features must be removed or otherwise brought into conformance with this Code if:

- 1. A feature is relocated or replaced;
- 2. A feature is altered in any way except toward compliance with the applicable regulations of this Chapter; or
- 3. The feature is damaged or deteriorated by more than 50 percent of its material structural value, as determined by the Director.

E. **Additions and Expansions.** Additions and expansions to structures on nonconforming sites/lots shall require correction of existing onsite nonconforming off-street parking, driveway surface, landscaping, perimeter buffer, screening, and signage standards in compliance with this Section.

1. ***Off-Street Parking, Driveway Surface, Landscaping, Perimeter Buffers, and Screening.***

- a. *Expansion of 50 Percent or Less of Gross Square Footage Over Five Years.* Expansions that result in a 50 percent or less increase in the gross square footage of the existing structure require that a corresponding percentage of the off-street parking, driveway surface, landscaping, perimeter buffer, and screening standards of this Code be installed or upgraded on the site, until the site achieves 100 percent compliance. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

For example, if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, the missing landscaping must be provided to bring landscaping on the site to 62.5 percent of the total required.

- b. *Expansion of Greater Than 50 Percent of Gross Square Footage Over Five Years.* Expansions that result in a greater than 50 percent increase of the gross square footage of the existing structure, require the entire property to meet all of the off-street parking, driveway surface, landscaping, perimeter buffer, and screening standards of this Code.
2. *Physically Constrained Properties- Comply to Maximum Extent Practical.* Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum practical extent as determined by the Director.
3. *Addition of Outdoor Storage Area Only.* When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in HMC Section 19.10.7, Screening Requirements, and HMC Chapter 19.11, Landscaping Standards, with priority given to screening the impacts of outdoor operations.
4. *Building Design/Architecture Standards.* Additions or expansions to nonresidential buildings in the DX, DR, and DP zoning districts shall require compliance with the building design standards for the opportunity districts where located.

Chapter 19.16 Multiple Species Habitat Conservation Plan

Sections:

- 19.16.1 Purpose
- 19.16.2 Imposition of Mitigation Fee
- 19.16.3 Exemptions and Exceptions
- 19.16.4 Land Disturbance/Mitigation Fee Form
- 19.16.5 Compliance Report Fees
- 19.16.6 Fee Administration
- 19.16.7 Incidental Take Permit

19.16.1 Purpose

The purpose of this Section is to allow for applicants, by certificate of inclusion, to comply with the federal Endangered Species Act through the Incidental Take Permit issued to the county and implemented through the Multiple Species Habitat Conservation Plan (MSHCP) and Implementing Agreement. MSHCP Mitigation Fees collected are used to implement the terms of the Incidental Take Permit.

19.16.2 Imposition of Mitigation Fee

Except as provided in HMC Section 19.16.3, Exemptions and Exceptions, applicants for development permits shall pay the MSHCP Mitigation Fee of \$550 per gross disturbed acre or any portion thereof located within the parcel, as well as the area disturbed by related off-site improvements. No development permit shall be issued or approved without the payment of the mitigation fees required by this Section.

19.16.3 Exemptions and Exceptions

- A. A mitigation fee shall not be required for the following types of development:
 - 1. Reconstruction of any structure damaged or destroyed by fire or other natural causes;
 - 2. Rehabilitation or remodeling of existing structures or existing off-site improvements;
 - 3. Disturbance of any lands, including lands conveyed from federal to private ownership, within the City, which are covered by and are subject to the terms and conditions of a separate habitat conservation plan and incidental take permit approved and issued by the United States Fish & Wildlife Service. Such lands are not covered by or subject to the Incidental Take Permit.
- B. Applicants for development permits who have paid per-acre fees pursuant to Section 7 of the federal Endangered Species Act may be required to pay a portion of the MSHCP Mitigation Fee as follows:
 - 1. If an applicant paid less than \$550 per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall pay the difference between \$550 per acre and the amount per acre paid in Section 7 fees. These acres shall be covered by and subject to the Incidental Take Permit.

2. If an applicant paid \$550 or more per gross disturbed acre or any portion thereof located within the parcel as well as the area disturbed by related offsite improvements in Section 7 fees, the applicant shall not pay the MSHCP Mitigation Fee for those acres. Those acres are not covered by or subject to the Incidental Take Permit.

19.16.4 Land Disturbance/Mitigation Fee Form

All applicants for development permits shall, before issuance thereof, complete a Land Disturbance/Mitigation Fee Form furnished by each City department that issues development permits. The Land Disturbance/Mitigation Fee Form must be complete, signed by the applicant for the development permit, and contain, at a minimum, the following information:

- A. The assessor's parcel number.
- B. The number of disturbed acres within the Parcel.
- C. The area disturbed by related off-site improvements.
- D. The amount of mitigation fees actually paid.

19.16.5 Compliance Report Fees

All applicants for development permits who are required to submit a Land Disturbance/Mitigation Fee Form shall pay processing fees per development permit to the Building and Safety Department, based on a fee schedule adopted by the Council.

19.16.6 Fee Administration

All mitigation fees collected pursuant to the provisions of this ordinance shall be deposited into a special reserve fund. The fund, including interest and other income that accrues thereto, shall be expended solely for the implementation of the terms of the Incidental Take Permit and any amendments thereto.

19.16.7 Incidental Take Permit

- A. All persons, firms, or entities located within the City that engage in any activity covered pursuant to the Clark County Multiple Species Habitat Conservation Plan, including residential and commercial development, agriculture, mining, grazing, and Off Highway Vehicle activities shall comply with the applicable provisions of the Incidental Take Permit to be included, by certificate of inclusion, for coverage under the Incidental Take Permit.
- B. All persons, firms, or entities, their agents and employees that comply with the provisions of this ordinance are hereby permitted to incidentally take any species for which the United States Fish and Wildlife Service has issued the Incidental Take Permit so long as such person, firm, or entity has complied and continues to comply with the applicable provisions of the Incidental Take Permit as it now exists or may hereinafter be amended.
- C. All persons, firms or entities that are not required to pay a mitigation fee pursuant to the terms of this chapter, but that are otherwise in compliance with the applicable provisions of the Incidental Take Permit, as it now exists or hereinafter is amended, are hereby permitted to incidentally take any species covered by the Incidental Take Permit.
- D. The certificate of inclusion that allows a person, firm or entity to comply with federal Endangered Species Act through the Incidental Take Permit, including the incidental take of species listed in the Incidental

Take Permit shall be immediately revoked, without further action or notice, in the event such person, firm or entity ceases to be in compliance with Subsections A, B, or C above.

Chapter 19.17 Residential Construction Tax

Sections:

- 19.17.1 Imposition of Rate of Residential Construction Tax
- 19.17.2 Collection of Residential Construction Tax
- 19.17.3 Residential Construction Tax Fund
- 19.17.4 Park District Boundaries
- 19.17.5 Refund of Fee
- 19.17.6 Partial Credit
- 19.17.7 Posting Bond for Park or Recreation Facility Improvements
- 19.17.8 Taxes in Addition to Other Real Estate Taxes

19.17.1 Imposition of Rate of Residential Construction Tax

There is hereby imposed and shall accrue and be collected a residential construction tax, as provided in this Section, upon the privilege of constructing residential dwelling units, including, without limitation, conventionally constructed houses, apartments, mobile homes, nonresidential structures remodeled for use as dwelling space, room additions, mobile home parks, and mobile home estates within the City. The residential construction tax shall be calculated at the current legal rate for each residential dwelling unit, per NRS. The residential construction tax shall not exceed \$1000 per unit or as otherwise as provided in NRS.

19.17.2 Collection of Residential Construction Tax

Prior to the issuance of any building permit for the construction of any apartment house, residential dwelling unit, installation of a mobile home on any mobile home estates lot, development of any mobile home park, or prior to the issuance of any building permit for any residential addition or for the remodeling of any nonresidential structure for the purpose of residential dwelling use, the applicant for such building permit shall pay to the City the residential construction tax in the amount specified per NRS, unless specifically waived as part of negotiations for an approved development agreement or park agreement.

19.17.3 Residential Construction Tax Fund

- A. All of the residential construction tax that is collected pursuant to this Section, and all of the interest that accrues thereon, shall be forwarded to the City Finance Director who shall credit the same to the special revenue fund that is created to receive and account for the same.
- B. The money in such special revenue fund shall be accounted for separately according to the respective park districts from which it was derived and may be used in accordance with NRS.

19.17.4 Park District Boundaries

The City shall be divided into park districts depicted on the map that is entitled “Park District Boundaries,” copies of which are maintained for public inspection in the Office of the City Clerk. Such park districts may, from time-to-time, be amended by the Council by resolution that is duly passed, adopted, and approved.

19.17.5 Refund of Fee

Refunds of the residential construction tax, if any, shall be as provided in the Nevada Revised Statutes or through a negotiated park agreement or a negotiated development agreement.

19.17.6 Partial Credit

- A. A developer shall be entitled to a credit toward all or a portion of the required residential construction tax, or waiver of the residential construction tax, if the City accepts public dedication for a “turnkey” park or determines that a developer has provided alternative recreational facilities of sufficient value to satisfy all or a portion of that developer’s land requirement, as set forth in this Section.
- B. The value of the credit available under this Section shall be determined by staff, subject to final approval by Council, and shall be the approximate difference between the value of the recreational facilities proposed and the amount of expected value of the residential construction tax to be generated by the development.

19.17.7 Posting Bond for Park or Recreation Facility Improvements

A developer constructing a park or other recreation facilities as required by a park agreement or a development agreement shall post a bond as required by the City.

19.17.8 Taxes in Addition to Other Real Estate Taxes

The residential construction tax that is provided for in this Section shall be in addition to any and all other real estate taxes that are imposed upon any real property that is the subject of the residential construction.

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Chapter 19.18 Review and Decision-Making Authorities

Sections:

- 19.18.1 Purpose
- 19.18.2 Summary of Review and Decision-making Responsibilities
- 19.18.3 City Council
- 19.18.4 Planning Commission
- 19.18.5 Community Development and Services Director
- 19.18.6 Staff Review

19.18.1 Purpose

This Chapter summarizes the land use and development procedures in this Code and describes the responsibilities of the review authorities that review and decide upon development applications.

19.18.2 Summary of Review and Decision-making Responsibilities

Table 19.18.2-1, Review Procedures and Decision-making Responsibilities, summarizes the review and decision-making responsibilities of the review authorities that have roles in the procedures set forth in this Part. Other duties and responsibilities of these review authorities are set forth in subsequent Chapters of this Part. Where a project requires more than one type of application, all requests shall be reviewed and decided upon by the highest review authority established for any of the applications.

TABLE 19.18.2-1, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Authority	Decision Body	Appeal Body
Comprehensive Plan and Zoning				
Comprehensive Plan Amendment	HMC Section 19.21.2	Staff Review ¹ Director <Commission>	<Council>	-
Development Code Text Amendment	HMC Section 19.21.3	Director	Council	-
Zone Change	HMC Section 19.21.4	Staff Review ² Director <Commission>	Council	-
Zone Change Amendment including/with MP or PUD Overlay District	HMC Section 19.21.4	Staff Review ² Director <Commission>	Council	-
Land Division				
Parcel Map ³	HMC Section 19.29.2	-	Director	Commission

TABLE 19.18.2-1, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Authority	Decision Body	Appeal Body
Boundary Line Adjustment ³	HMC Section 19.29.3	-	Director	Commission
Tentative Map	HMC Section 19.29.4	Staff Review ² Director	Commission	Council
Final Map ³	HMC Section 19.29.5	-	Director	Commission
Reversion to Acreage	HMC Section 19.29.6	-	Director	Commission
Entitlements				
Conditional Use Permits	HMC Chapter 19.22	Director	<Commission>	<Council>
Design Review	HMC Chapter 19.24	Staff Review ²	Director ⁴	Commission Council
Redevelopment Area Review	-	-	Director	Redevelopment Agency
Temporary Use Permit	HMC Chapter 19.32	-	Director	Commission
Signs				
Master Sign Plan	HMC Section 19.25.3	Staff Review	Director	Commission Council
Master Sign Plan with exceptions or modifications	HMC Section 19.25.4	Staff Review Director	<Commission> ⁵	Council
Vacation of Public Right-of-Ways and Easements				
Type I (Streets/Non-Municipal Easements)	HMC Section 19.26.2	Staff Review Director <Commission>	Council	-
Type II (Municipal Easements)	HMC Section 19.26.3	Director	Council	-
Modifications and Appeals				
Administrative Adjustment	HMC Chapter 19.30	-	Director ⁵	Commission
Variance	HMC Chapter 19.28	Staff Review Director	<Commission>	<Council>
Waiver of Standards Application ^{6 7}	HMC Chapter 19.23	Director	<Commission> <Council>	-
Appeal	HMC Section 19.20.5	-	Commission	Council

TABLE 19.18.2-1, REVIEW PROCEDURES AND DECISION-MAKING RESPONSIBILITIES

Procedure	Reference	Review Authority	Decision Body	Appeal Body
Interpretation	HMC Chapter 19.20	-	Director	Commission
Other Procedures				
Negotiated Development Agreement	HMC Chapter 19.27	Director <Commission>	<Council>	-
Standard Development Agreement	HMC Chapter 19.27	Director	<Council>	
Reasonable Accommodation	HMC Chapter 19.33	-	Designated Staff	Director
Creation of Landscape Maintenance District	HMC Chapter 19.34	Director <Commission>	<Council>	-

Notes:

- 1 Amendments to the future land use map of the Comprehensive Plan require review of a concept plan for Staff Review.
- 2 Amendments to the MP Overlay District, design review applications with structures of 50,000 square feet or more of floor area, and Projects of Significant Impact require concept plan review for Staff Review.
- 3 Recombination of existing lots resulting in subdivisions of ≤5 lots are reviewed consistent with the procedure for final maps (HMC Section 19.29.5); all others are reviewed consistent with the procedure for a parcel map (HMC Section 19.29.2).
- 4 A Design Review Application associated with another type of application, such as a CUP, shall be processed concurrently with the other application, and shall be reviewed and decided by the same review authority deciding the other application.
- 5 Administrative adjustments associated with another type of application, such as a tentative map or design review, shall be processed concurrently with the other application and shall be reviewed and decided by the same review authority.
- 6 Waivers requested in conjunction with a PUD or MP overlay are final action at Council. Waivers requested with a Waiver of Standards application may be final action at Commission.
- 7 Waiver of Standards applications associated with another type of application, such as a Zone Change, shall be processed concurrently with the other application and shall be reviewed and decided by the same review authority.

Key:

<> = Public Hearing

19.18.3 City Council

The City Council (Council) shall have the review and decision-making authority listed in Table 19.18.2-1, Review Procedures and Decision-making Responsibilities.

19.18.4 Planning Commission

- A. **Establishment, Duties, and Authority.** The Planning Commission (Commission) is established pursuant to the authority of City Ordinance No. 40, adopted on September 23, 1953. The Commission shall have all powers granted and shall perform all duties imposed by the Charter and NRS 278.030 through 278.260. The Commission shall have the review and decision-making authority listed in Table 19.18.2-1, Review Procedures and Decision-making Responsibilities, and in addition shall have the following duties and responsibilities:

1. Develop and recommend to the Council new policies, ordinances, administrative procedures, and other tools related to land development and re-development;

2. Conduct studies and recommend to the Council any other new plans, goals, and objectives relating to growth, development, and redevelopment of the city; and
 3. Perform any other duties assigned by the Council.
- B. **Membership.**
1. The Commission shall consist of seven members who shall be appointed and shall serve in accordance with HMC Section 2.50.030 or any other policy adopted by Council.
 2. The Commission shall also include three ex officio members: the Mayor; the City Engineer; and the City Attorney.
 3. Ex officio members shall serve as members in an advisory capacity only. Ex officio members shall not be counted toward quorum of the Commission and shall not be entitled to vote on matters before the Commission.
- C. **Compensation.** All members of the Commission shall receive compensation as provided by resolution by the Council.
- D. **Removal of Members.** Members of the Commission may be removed, after a public hearing, by a majority vote of the Council for inefficiency, neglect of duty, malfeasance of office, or other just cause as determined by the Council .
- E. **Vacancies.** Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term in accordance with HMC Section 2.50.030 or any other policy adopted by Council.
- F. **Bylaws and Rules.** In addition to the powers, duties, and authority prescribed by NRS 278.030 through 278.260, inclusive, the Commission shall have the power to adopt rules and bylaws governing the order and procedure of the Commission consistent with HMC Section 2.50.

19.18.5 Community Development and Services Director

The Director shall have the review and decision-making authority listed in Table 19.18.2-1, above.

19.18.6 Staff Review

Staff Review shall have the review authority listed in Table 19.18.2-1, above. In addition, Staff Review shall be responsible for review and comment on all concept plans in accordance with HMC Subsection 19.19.4.C, Concept Plan Review, and impact statements associated with Projects of Significant Impact in accordance with HMC Subsection 19.19.4.C.4.a, Projects of Significant Impact.

Chapter 19.19 Common Review Procedures

Sections:

- 19.19.1 Purpose
- 19.19.2 Processing Cycles
- 19.19.3 Simultaneous Processing
- 19.19.4 Preliminary Application Procedures
- 19.19.5 Application Review Process
- 19.19.6 Review and Decision
- 19.19.7 Post Decision Procedures

19.19.1 Purpose

This Chapter establishes uniform procedures for the preparation, filing, and processing of development applications provided for in this Code, unless superseded by a specific requirement of this Code or State law.

19.19.2 Processing Cycles

The Director shall issue timetables for reviewing each type of development application under this chapter. Timetables, which may be revised from time-to-time, may include:

- A. Dates of regular meetings of review authorities and decision-makers;
- B. Deadlines for receipt of a complete application for consideration of such application at a particular meeting; and
- C. Routing and scheduling of staff and agency reviews.

19.19.3 Simultaneous Processing

- A. Whenever two or more forms of review and approval are required under this Code (e.g., a zone change and a CUP), applications for those development approvals may, at the option of the City, be processed simultaneously.
- B. The decision-making authority identified in Table 19.18.2-1, Review Procedures and Decision-making Responsibilities, shall have the authority to review and decide any application for which it is the designated decision-making authority. In cases where an application is submitted in conjunction with another application requiring approval by a separate, higher-level decision-making authority (e.g., the Council), the higher-level decision-making authority shall be responsible for reviewing and deciding both applications.

19.19.4 Preliminary Application Procedures

The procedures in this Section apply to all applications for development permits or approvals under this Code at the beginning of the review process, unless otherwise stated. Applicants are encouraged to schedule pre-application meetings with the Community Development and Services Department staff prior to submitting a concept plan review application.

- A. **Authority to Initiate Applications.** Applications for review and approval under this Code may be initiated by any of the following:
1. Petition of all the owners of the land that is the subject of the application.
 2. The owners' authorized agent(s).
 3. The official representatives of a homeowner's or property-owner's association in a master-planned development where the master developer has ceded control of the development to the association.
 4. A lot owner or developer of a portion of a master-planned development provided the application is limited to the land under their ownership or control.
 5. City staff acting under the direction of the Commission or Council.
 6. Public or private utility providers.
- B. **Form of Application and Application Filing Fees.** Applications required under this Code shall be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications shall be accompanied by the fee amount that has been established by the Council. Fees are not required with applications submitted by the Council, Commission, Clark County School District, or City agencies or staff. Application fees are nonrefundable, unless otherwise expressly stated.
- C. **Concept Plan Review.**
1. **Purpose.** Concept plan review is intended to allow for a general review of a proposed development before a formal application is submitted.
 2. **Applicability.** Unless waived by the Director, concept plan review shall be required as identified in any part of this Code and for projects that consist of the following:
 - a. A use with 50,000 square feet or more of gross floor area;
 - b. Development on slopes greater than 15 percent;
 - c. Any Wireless Communication Facility;
 - d. Any Data Center;
 - e. Any Food and Beverage Manufacturing Facility;
 - f. Any school for grades K-12;
 - g. An amendment to the Comprehensive Plan land use map;
 - h. A zone change amendment to a PUD or MP Overlay District;
 - i. Projects of Significant Impact, defined in HMC Section 19.37.1, Definitions; or
 - j. Projects of Regional Significance, defined in HMC Section 19.37.1, Definitions.
 3. **Application Filing.** Applications for concept plan review shall be submitted per the form required by the City to the Director.
 - a. **Projects of Significant Impact.** Projects of Significant Impact, defined in HMC Section 19.37.1, Definitions, shall submit impact statements.
 - b. **Projects of Regional Significance.** Projects of Regional Significance, defined in HMC Section 19.37.1, Definitions, shall submit impacts assessments that include, at a minimum:

- i. The number of vehicle trips that the project will generate, estimated by applying to the proposed project the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (ITE) or its successor.
 - ii. The estimated number of additional pupils for each elementary school, junior high or middle school, and high school that the project will cause to be enrolled in local schools.
 - iii. The distance from the site on which the project will be located to the nearest facilities from which fire-fighting, police and emergency services are provided, including, without limitation, facilities that are planned, but not yet constructed, and facilities that have been included in a plan for capital improvements prepared by the appropriate local government pursuant to NRS 278.0226.
 - iv. A brief statement setting forth the anticipated effect of the project on housing, mass transit, common open space, and recreation.
 - v. The proposing agency of a regional infrastructure project shall provide an assessment of the regional and multi-jurisdictional impacts of the proposed project directly to the Southern Nevada Regional Planning Commission (SNRPC) prior to application submittal. The proposing agency shall cooperate with the SNRPC in providing information and communicating about the proposed project.
4. **Review.** Upon receipt of a concept plan review application, the Director may, within three days from the deadline date, set a time and place for a meeting of the Staff Review and provide notice of the meeting and one copy of all plans and materials to each member of the Staff Review. Notice of the meeting time shall also be provided to the applicant. The Staff Review meeting shall be held within 10 business days of the date that a complete application is received, unless the applicant requests a later date.
5. **Action.** At the Staff Review meeting, the Director shall describe the requirements of the review process. Committee members shall:
- a. Ask questions of the applicant to clarify their understanding of the applicant's intent;
 - b. Ensure the applicant understands all required steps in the development review process; and
 - c. State their concerns based on preliminary review of project plans and materials.
6. **Staff Comments Provided.** Within three days after the Staff Review meeting, staff shall provide the applicant with Staff Review comments.

19.19.5 Application Review Process

The common procedures in this Section deal with the processing of an application, which occurs following the completion of preliminary application procedures. This Section applies to all applications for development permits or approvals under this Code, unless otherwise stated.

A. Application Completeness.

1. An application will be accepted if it:
 - a. Is submitted in the required form;
 - b. Contains all necessary exhibits and supporting information outlined on the application form checklist(s);
 - c. Is accompanied by the appropriate fee(s);
 - d. Includes the minimum number of digital or paper copies as required/appropriate;
 - e. Is submitted within review schedule timeframe; and
 - f. Follows all required pre-application steps.
 2. If the Director determines the requirements in HMC Subsection 19.19.5.A.1 above are adequately met, the application shall be accepted. If an application is determined to be incomplete by the Staff Review Committee, the Director shall provide written notice to the applicant along with an explanation of the application's deficiencies within nine calendar days of the application submittal date. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 180 days, the application shall be considered withdrawn.
 3. If the application has been deemed complete and is heard at a public hearing where the Commission or Council have continued the application to allow for submittal of additional information, the application completeness date shall change to the date of the public meeting when the information is deemed acceptable.
- B. **Community Development and Services Director and Agency Review and Referral.** In conducting required reviews, the Director shall be authorized to distribute the application and other submittals to City departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Based on the results of those reviews, the Director shall provide a report to the Commission. Comments received from reviewers will be provided to the applicant or designated representative.
1. ***Projects of Regional Significance.*** Following a determination of application completeness for a Project of Regional Significance, the Director shall notify the affected jurisdiction(s) and provide the affected local government with copies of any application materials, as well as the impact assessment.
 - a. Upon receipt of the referral, the affected local government shall have 15 calendar days within which to provide mitigation comments to the Director. The mitigation comments may propose ways in which the affected local government believes any negative impacts of the project on the affected local government can be mitigated.
 - b. Upon receipt of notice of a regional infrastructure project and the assessment by a proposing agency, the SNRPC will review the proposed project and assessment and take necessary action, including comments on ways in which negative impacts of the proposed project can be mitigated.
 - c. The Director shall give consideration to the mitigation comments and require mitigation of potential negative impacts on the affected local government to the maximum practical extent. The Director shall make written findings of the way in which the mitigation comments were addressed.
- C. **Neighborhood Meetings.**

1. **Purpose.** The purpose of a neighborhood meeting is to provide an informal opportunity to inform the affected neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Code, and to receive public suggestions, identify neighborhood concerns, and encourage dialogue at an early stage in the review process.
2. **Applicability.**
 - a. **Neighborhood Meeting Mandatory.** Unless waived by the Director, a neighborhood meeting is required for any application subject to a mandatory concept plan review, as well as an amendment to the official zoning map. Neighborhood meetings for amendments to the Comprehensive Plan cannot be waived.
 - b. **Neighborhood Meeting May Be Required.** A neighborhood meeting may be required as follows, in addition to those instances when a meeting is mandatory:
 - i. The Director may require an applicant to conduct a neighborhood meeting prior to a public hearing on an application if the Director determines the application is likely to cause a significant land use, design, traffic, or other public facility impact on neighboring lands.
 - ii. The Mayor or the Chair of the Commission may direct an applicant to conduct a neighborhood meeting either prior to or during a public hearing on an application being reviewed by the board they chair, if it is determined the application could potentially have significant land use, design, traffic, or other public facility impacts on neighboring lands.
 - c. **Neighborhood Meeting Optional.** Neighborhood meetings are optional for any other applications under this Code.
3. **Timing.** At least one neighborhood meeting must be held at least three weeks prior to a public hearing, or as specified by the City. The date in which notices are mailed is not included in the three-week requirement.
4. **Time and Place.** The neighborhood meeting shall be held at a place that is ADA compliant and generally accessible to neighbors that reside in close proximity to the land subject to the application, and shall be scheduled after 5:30 p.m. during City business days.
5. **Notification.** An applicant holding a neighborhood meeting shall provide mailed notice of the meeting to the same notification area that would be required for public hearings on the application pursuant to HMC Subsection 19.19.5.D, Public Notice. Notification of the neighborhood meeting shall be provided by the applicant to the mailing addresses on the list provided by staff via first-class mail postmarked a minimum of 10 days in advance of the meeting. Notification shall also be provided to staff at least 10 calendar days prior to the meeting date.
6. **Notification Contents.** Public notification of a neighborhood meeting shall be provided according to the template provided by staff and at a minimum, include:
 - a. A vicinity map depicting the subject site;
 - b. The purpose of the neighborhood meeting, with brief project description;
 - c. The type of application proposed by the applicant;
 - d. The date, time, and location of the meeting; and

- e. Contact information for the applicant.
 - 7. **Conduct of Meeting.** At the neighborhood meeting, the applicant shall provide a sign-in sheet, explain the development proposal and application, use appropriate visuals and supply handouts as needed to describe the project, answer any questions, respond to concerns neighbors have about the application, and propose ways to resolve conflicts.
 - 8. **Staff Attendance.** City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of this Code but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.
 - 9. **Written Summary of Neighborhood Meeting.** The applicant shall provide staff a signed affidavit indicating that the notification was completed in accordance with the standards of this Code. If staff are not in attendance at the neighborhood meeting, a written summary of the neighborhood meeting shall be provided to staff within five business days of its conclusion, along with a list of the notified parties. If staff are in attendance at the neighborhood meeting, staff will provide the summary. The written summary shall include a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information deemed appropriate. The written summary of the neighborhood meeting also shall be included with the application materials and be made available to the public.
 - 10. **Response to Summary.** Any person in attendance at the neighborhood meeting may submit an additional written summary to City staff stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the meeting. All written summaries of the neighborhood meeting shall be included with the application materials and be made available to the public.
- D. **Public Notice.**
- 1. **Content.** All notices required under this Code shall comply with Nevada Revised Statutes (NRS) and shall, at a minimum:
 - a. Indicate the time and place of the public hearing or action;
 - b. Describe the property involved in the application by street address or by legal description and nearest cross-street;
 - c. Describe the nature, scope, and purpose of the application or proposal being advertised;
 - d. Indicate that interested parties may appear at the hearing and speak on the matter; and
 - e. Indicate where additional information on the matter can be obtained.
 - 2. **Written (Mailed) Notice.**
 - a. When the provisions of this Code require that written or mailed notice be provided, unless otherwise stated herein, the City shall be responsible for preparing and mailing the notice at least 10 days in advance of the first public hearing. In addition to the notice requirements specified in Table 19.19.5-1, Public Notice Requirements, written notice shall be provided to the applicant; the nearest 30 real property owners; all advisory boards created by the Council and established in the affected area; and all

registered property owners associations, neighborhood associations, and appointed individuals serving as rural neighborhood representatives.

- b. In cases where a development requiring notice is proposed within or adjacent to an area subject to the RN overlay, the president of the applicable rural neighborhood organization shall be provided with mailed notice of the application.
3. ***Posted Notice.*** When the provisions of this Code require that notice be posted, signs approved by the City shall be posted on the property that is the subject of the application in a manner that makes them clearly visible to neighboring residents and passers-by from each abutting street. Required signs shall be posted at least 10 days before the first public hearing. Installers shall be required to sign an affidavit provided by the City stating that the signs were posted properly and provide a photograph showing each sign after installation. The photograph shall include a landmark that substantiates each sign's location. When the application pertains to a matter that does not affect a specific site (e.g., Comprehensive Plan text amendments), the notice may be posted in the City Hall lobby.
4. ***Published (Newspaper) Notice.*** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the notice and ensuring that it is published in a newspaper that has been selected by the City. The notice shall appear at least 10 days before the public hearing.
5. ***Summary Table of Required Notice and Timing.*** Unless otherwise expressly provided in the Nevada Revised Statutes, or this Code, public notice shall be provided in accordance with Table 19.19.5-1, Public Notice Requirements. Failure to receive notice in accordance with this Section shall not invalidate the proceedings for which notice was required, nor shall failure to receive notice constitute a basis for legal action against the City. Bracketed numbers refer to notes at the bottom of the table.

TABLE 19.19.5-1, PUBLIC NOTICE REQUIREMENTS

Application Type	Notice Required ¹	
	Written (Mailed) Notice Recipients	Posted Notice Required
Comprehensive Plan and Zoning		
Comprehensive Plan Text Amendment	None required.	Yes ²
Master Transportation Plan Amendment	None required. Where street name changes, notices are sent to affected parties.	Yes ²
Comprehensive Plan Map Amendment	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 500 feet of the subject site and the nearest 30 real property owners. ³	Yes ²
Development Code Text Amendment	None required.	Yes
Zone Change	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within	

TABLE 19.19.5-1, PUBLIC NOTICE REQUIREMENTS

Application Type	Notice Required ¹	
	Written (Mailed) Notice Recipients	Posted Notice Required
	750 ft. of the subject site and the nearest 30 real property owners. ³	
Land Division		
Parcel Map	None required.	No
Boundary Line Adjustment		
Tentative Map		
Final Map		
Entitlements		
CUP without alcohol sales or hazardous substances	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 500 ft. of the subject site and the nearest 30 real property owners. Newspaper notification is not required. ³	Yes
CUP with alcohol sales outside the Gaming Enterprise Overlay District; Airports and Landing Strips	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 1,500 ft. of the subject site, and the nearest 30 real property owners. Newspaper notification is not required.	Yes
CUP with hazardous substances, per NRS 459.3816	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 1,000 ft. of the subject site, and the nearest 30 real property owners, as required in NRS 278.147. Public hearing notices are sent out 30 days prior to Commission meeting.	Yes
Removal proceedings for nonconforming billboards	The applicant, real property owner, and owner of the nonconforming billboard.	No
Any application involving a nonrestricted gaming establishment or creation of a new gaming enterprise overlay	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 5,000 ft. of the subject site, and the nearest 30 real property owners.	Yes
Project of Regional Significance	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 750 feet of the subject site and the nearest 30 real property owners. ³	Yes
Redevelopment Area Review	None required.	No
Vacation		
Type I Vacation	Owners abutting the proposed area to be vacated shall be notified via confirmation of delivery.	No

TABLE 19.19.5-1, PUBLIC NOTICE REQUIREMENTS

Application Type	Notice Required ⁴	
	Written (Mailed) Notice Recipients	Posted Notice Required
Creation of Landscape Maintenance District	The general recipients identified in HMC Subsection 19.19.5.D.2 above.	Yes
Modifications and Appeals		
Variance	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 500 ft. of the subject site and the nearest 30 real property owners. Newspaper notification is not required. ³	Yes
Waiver of Standards	In addition to the general recipients identified in HMC Subsection 19.19.5.D.2 above, all owners of real property and tenants within mobile home parks within 500 ft. of the subject site and the nearest 30 real property owners. Newspaper notification is not required. ³	Yes
Administrative Adjustment	See HMC Chapter 19.30, Administrative Adjustments.	
Appeal	Same notice as was provided in the decision being appealed, but no posted notice required.	

Notes:

1 All application types listed in this table, except those listed under the Land Division application type and as otherwise noted, require the City to provide published notice in a newspaper selected by the City at least 10 days prior to the public hearing.

2 Posted notice shall be provided by the City in the City Hall lobby.

3 When a project is located in or within 500 ft. of a RN Overlay, the notice requirement shall be expanded to 1,000 ft. The 1,000-ft. notification shall only apply within the boundaries of the RN overlay.

6. ***Constructive Notice.*** Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing, and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the review authority shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing upon recommendation from staff.

E. **Public Hearings.**

1. ***Review of Supplemental Materials.***

- a. Supplemental materials shall be provided to staff in a reasonable amount of time to provide staff the ability to review the application materials.

2. **Agenda Sequencing.** Where provisions of this Code result in a need to assign priority between two or more applications in terms of sequencing on the agenda at a public hearing, the application shall be heard in accordance with the timing of the complete filing.
3. **Continuation of Public Hearings.**
 - a. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Code, provided that the continuance is set for a date and time certain and the date and time is announced at the public hearing. Where required time frames for action are otherwise established by this Code, items may not be continued beyond the required time frame without the consent of the applicant.
 - b. In the case of a public hearing before the Commission, the Commission will not grant more than two continuances for the same case, unless it is determined, upon good cause shown, that the additional continuances are warranted. “Good cause” includes, without limitation, the desire to revise plans or drawings, to engage in negotiations with any person or governmental entity, to retain counsel, or circumstances relating to the matter that are beyond the control of the applicant.
 - c. If a public hearing is continued more than three times or for more than 90 days, whichever is less, the public hearing shall be “re-noticed” in accordance with the original notice requirements for the subject application. Unless otherwise approved by the review or review authority at the time of the continuance, the applicant shall pay all costs associated with the re-notification.
4. **Burden of Proof or Persuasion.** The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the City or other parties to show that the criteria have not been met.
5. **City Council Call-Up of Development Applications.** Whenever the procedures of this Chapter give the Commission decision-making or appeal authority on a development application or permit request, any member of the Council shall be authorized to “call-up” the application for final action at the Council. In order to call-up an application, a Council member must notify the Director within nine days of the date that the City Clerk received written notice of the Commission’s final action. In the event of Council call-up, public notice shall be provided in accordance with the same procedures that applied to the Commission’s original action. In the event of call-up, the City shall be responsible for all costs associated with the re-notification.

19.19.6 Review and Decision

The provisions of this Section apply to all applications for development permits or approvals under this Code, unless otherwise specified.

- A. **Findings.** Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action.
 1. **Projects of Regional Significance.** In addition to any other required findings, the review authority must make all of the following findings in order to approve a Project of Regional Significance.
 - a. The affected local government was notified of the proposed project by the Director and was afforded 15 calendar days to comment.

- b. The proposed project does not impose undue negative impacts on any neighboring jurisdiction(s).
- c. The applicant has mitigated any negative impacts, as identified by the affected local government, to the maximum practical extent.
- d. Public hearing notices were sent to the owners of all affected properties, regardless of jurisdiction, in accordance with this Code and NRS Section 278.315(4).
- e. The Southern Nevada Regional Planning Coalition has made a finding that the project is in conformance with the adopted regional plan or the 60-day period in which it could have made such finding has passed pursuant to NRS 278.0278.

B. **Conditions of Approval.** Unless otherwise specified in this Code, the decision-maker may impose conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the Henderson Strong Comprehensive Plan and this Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Code.

C. **Decision.**

- 1. **Notice of Decision.** Within five days of a decision, the Director shall mail notice of the decision to the applicant and all other parties who have made a written request for notification.
- 2. **Effective Date.** A final decision on an application for any approval subject to appeal shall become effective as specified below.
 - a. *Commission.* 10 days following the date of action, unless an appeal is filed.
 - b. *Council.* When notice of the decision is filed with the City Clerk.
- 3. **Presumption of Prejudice.** If a decision is made by a review authority, it shall be presumed to be with prejudice unless stated in the record.

D. **Appeals.**

- 1. **Applicability.** The appeal procedures of this Section shall apply only when the provisions of this Code state that an appeal may be made.
- 2. **Effect of Filing.** Once a complete application for an appeal has been received by the Director, no other development approvals or permits will be issued for the subject property pending a decision on the appeal, unless it is determined that such a “hold” on permits and approvals would cause immediate peril to life or property.
- 3. **Aggrieved Party.** Appeals allowed under the procedures of this Code may be filed only by an applicant or an “aggrieved party”. An aggrieved party shall be limited to the following:
 - a. Any person who testified at the public hearing on the application or proposed action;
 - b. Any person who submitted written comments prior to or during the public hearing on the application or proposed action;
 - c. Any person who testified or submitted written comments on the application or proposed action prior to or during a public hearing through an authorized representative; or

- d. In the case of actions taken or applications decided by an administrative official, any person who submitted written comments to such administrative official before the end of the appeal period following the date of the administrative official's action
4. **Consolidation.** Appeals by two or more parties aggrieved by the same decision shall be consolidated into a single appeal in accordance with NRS 278.3195(3) by the Director.
5. **Initiation.** All appeals taken in accordance with this Section shall be filed with the Director no more than nine days after the date of the Notice of Final Action for the decision or action being appealed. In the event of an appeal of a decision or interpretation of the Director, appeals shall be filed with the Director no more than nine days after the date the applicant or requesting party is/was notified of the final decision.
6. **Contents of Appeal.** The application for the appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of the decision or interpretation, and shall include all relevant supporting materials. An application shall not be deemed complete until it contains a clear statement of these items as determined by the Director.
7. **Administrative Record.** Upon the timely receipt of the application materials initiating an appeal, the Director shall assemble all documents, exhibits and other materials presented to the applicable decision-making person or body for the action being appealed, including any additional documents, exhibits and other materials submitted by and through the deadlines stated in this Section. These materials shall constitute the administrative record to be considered by the reviewing body for purposes of the appeal.
8. **Notice and Hearing Requirements.** The requirements for hearings, notices, and approval criteria shall be the same as required of the original action that is the subject of the appeal.
9. **Appeals of the Decision and Interpretations of the Director.**
 - a. The Commission shall have the authority to hear and decide all appeals of decisions and interpretations of the Director, except as otherwise stated in HMC Subsection 19.19.6.D.9.e. The Commission shall consider the appeal as a new matter and act to affirm, modify, or reverse the decision or interpretation within 45 days of the end of the appeal period.
 - b. In acting on the appeal of an interpretation, the Commission shall grant to the Director's interpretation a presumption of correctness, placing the burden of persuasion of error on the appellant. The Commission shall rely on the City Attorney's interpretation of matters regarding state or federal law.
 - c. An appellant is limited to a maximum of two requests to continue an appeal hearing unless it is determined, upon good cause shown, that the granting of additional continuances is warranted.
 - d. The Commission's decision on an appeal of the Director may be appealed to the Council.
 - e. A decision by the Director regarding a short-term vacation rental registration termination may be appealed directly to the Council.
10. **Appeals of Planning Commission Decisions.**
 - a. The Council shall have the authority to hear and decide all appeals of decisions of the Commission and shall be guided by the statement of the purpose underlying the regulation of the improvement of land expressed in NRS 278.020.

- b. The Council shall, within 45 days of the end of the appeal period, consider the appeal as a new matter and act to affirm, modify, or reverse the Commission decision, or with the consent of the applicant and the appellant, act to continue the item to a specific date that is not more than 45 days from the day that the appeal was first set to be heard by the Council.
 - c. The Council may not grant an appellant more than two continuances on an appeal, unless, if the applicant is not the appellant, the applicant consents to the additional continuances and the Council determines, upon good cause shown, that the additional continuances are warranted. The Council may not grant an applicant more than two continuances on an appeal unless, if the applicant is not the appellant, the appellant consents to the additional continuances and the Council determines, upon good cause shown, that the additional continuances are warranted. If the Council continues the appeal, the Council must take action to affirm, modify, or reverse the Commission decision within 60 days of the date the appeal was first set to be heard by the Council.
 - d. Supplemental materials shall be provided to staff in a reasonable amount of time to provide staff the ability to review the application materials. A member of the public may submit a document, exhibit or other material in opposition to or in support of an appeal being heard by the Council. Voluminous documents, exhibits or other materials submitted on the day the appeal is heard that the Council did not have sufficient time to review may not be considered part of the administrative record for purposes of judicial review, unless the hearing is continued to a later meeting.
 - e. The Council's decision is final for the purposes of NRS 278.3195.
- 11. ***Notice of Decision on Appeal.*** Within five days of a decision on an appeal, the Director shall mail notice of the decision to the appellant and to the applicant, if not the appellant, and all other parties who have made a written request for notification.
 - 12. ***Effective Date.*** Decisions of the Commission on appeals shall become effective 10 days after the date of the Commission's decision unless a new appeal to Council is filed. Decisions of the Council on appeals shall become effective upon the date of the decision.
 - 13. ***Successive Applications.*** Following the denial of an application or applications that are the subject of an appeal, no new application for the same or substantially the same matter shall be accepted for one year from the date of denial, unless the denial is made without prejudice.

19.19.7 Post Decision Procedures

A. Lapse of Approval; Extensions of Time.

- 1. Unless otherwise provided in this Chapter, an approved application shall expire if no activity approved under the permit occurs for six months and an extension is not granted, consistent with any appropriate timeframes established in the building code.
- 2. The lapse of approval time frames established by the procedures in this Chapter may be extended only when all of the following conditions exist:
 - a. The provisions of this Chapter must expressly allow the extension;
 - b. An extension request must be filed prior to the applicable lapse-of-approval deadline;
 - c. The extension request must be filed in a form and include all exhibits and fees established by the Director; and

- d. Unless otherwise provided in this Chapter, authority to grant extensions of time shall rest with the review authority that granted the original approval (the one being extended).
- B. **Revisions to an Approved Entitlement.** No revision in the use or structure for which an entitlement has been issued is allowed unless the entitlement is revised, as established in this Code.
 - 1. **Minor Revisions.** The Director may approve minor revisions to approved plans and permits that are consistent with the original findings and conditions approved by the review authority, do not expand the approved floor area more than five percent, and would not intensify any potentially detrimental effects of the project. For entitlements associated with PUDs, see HMC Section 19.21.6.
 - 2. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision to an approved site plan or building plan that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same review authority as the approved permit.

Chapter 19.20 Interpretations

Sections:

- 19.20.1 Request Filing
- 19.20.2 Community Development and Services Director's Review and Decision
- 19.20.3 Form
- 19.20.4 Official Record of Interpretations
- 19.20.5 Appeals

19.20.1 Request Filing

Requests for written interpretations of this Code shall be submitted to the Director.

19.20.2 Community Development and Services Director's Review and Decision

Within 30 days of receipt of a complete request for a written interpretation, the Director shall:

- A. Review and evaluate the request in light of this Code, the Henderson Strong Comprehensive Plan, and any other relevant documents;
- B. Consult with other staff, as necessary;
- C. Consult with the City Attorney on any interpretation that may require the application or interpretation of state or federal law; and
- D. Render a written interpretation with a copy of the written interpretation sent to the members of Staff Review.

19.20.3 Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

19.20.4 Official Record of Interpretations

An official record of interpretations shall be kept on file in the office of the Director until and unless such an interpretation has been codified. The record of interpretations shall be available for public inspection in the Community Development and Services Department during normal business hours.

19.20.5 Appeals

Interpretations may be appealed as provided in HMC Section 19.19.6, Review and Decision.

Chapter 19.21 Comprehensive Plan and Zoning Amendments

Sections:

- 19.21.1 Purpose
- 19.21.2 Comprehensive Plan Amendments
- 19.21.3 Development Code Text Amendments
- 19.21.4 Zone Change/Zoning Map Amendments
- 19.21.5 Zone Change with Master Plan Overlay
- 19.21.6 Zone Change with Planned Unit Development Overlay

19.21.1 Purpose

This Chapter provides administrative provisions for amendments to the Henderson Strong Comprehensive Plan, Code, and Zoning Map, as well as zone changes.

19.21.2 Comprehensive Plan Amendments

A. Concept Plan Review.

1. **Land Use Map Amendments.** Applications to amend the future land use map of the Comprehensive Plan require a concept plan prior to application submittal, in accordance with HMC Subsection 19.19.4.C, Concept Plan Review.
2. **Text Amendments.** Applications to amend the text of the Comprehensive Plan do not require concept plan review.

B. Neighborhood Meeting Required.

1. **Land Use Map Amendments.** Applicants to amend the future land use map of the Comprehensive Plan shall conduct a neighborhood meeting in accordance with HMC Subsection 19.19.5.C, Neighborhood Meetings, following concept plan review.
2. **Text Amendments.** Applications to amend the text of the Comprehensive Plan do not require a neighborhood meeting.

C. Application Filing.

Applications for an amendment to the Comprehensive Plan shall be submitted to the Director.

D. Traffic Impact Analysis Required.

Unless waived by the Public Works Director, applications for an amendment to the Comprehensive Plan shall be accompanied by a Traffic Generation Impact Report. Each impact report shall compare the maximum potential traffic that may be generated by the existing land use with the traffic expected to be generated by the proposed land use in accordance with the site plan. References and sources indicating where the traffic data was obtained shall be included with the Traffic Generation Impact Report, which shall be in a form that is specified by the Public Works Director.

E. Timing of Review.

1. **Land Use Map Amendments.** Pursuant to NRS 278.210, the Commission and Council shall hear substantial future land use map amendment applications on a quarterly basis. The Director shall make a determination as to whether a proposed amendment is substantial for purposes of this provision in accordance with the provisions of NRS 278.210(5).

- a. Applications may be filed with the Community Development and Services Department at any time before the specified deadline date but will be held until the next Commission meeting that has been designated for Comprehensive Plan amendment applications.
 - b. After having heard the application, the Commission or Council may continue a Comprehensive Plan amendment to any of their subsequent meetings.
 - c. City-initiated applications are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.
2. **Text Amendments.** Text amendments to the Comprehensive Plan are not subject to the quarterly consideration requirement and may be considered on the normal processing cycle.
- F. **Public Hearing Notice.** Notice of public hearings on comprehensive plan amendments shall be provided in accordance with the requirements of HMC Subsection 19.19.5.D, Public Notice.
- G. **Planning Commission Review and Recommendation.** The Commission shall hold at least one public hearing on the proposed Comprehensive Plan amendment and at the close of the public hearing make a recommendation to the Council.
 1. If a Comprehensive Plan amendment application is accompanied by other applications for the same development, the Comprehensive Plan amendment shall be acted upon before all other applications for that project.
 2. The Commission may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future Commission meeting. However, if a continuance is requested by the applicant, all applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications or any other meeting as determined by the Commission.
 3. An affirmative vote of two-thirds of the total membership of the Commission shall be required to approve a resolution recommending adoption of the Comprehensive Plan amendment.
 4. If the Comprehensive Plan amendment fails to receive an affirmative vote of two-thirds of the total membership or is recommended for denial by the Commission, all accompanying applications shall be acted on in accordance with the applicable review procedures for the specific application.
- H. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall hold at least one public hearing and, at the close of the public hearing, act to approve, approve with conditions, or deny the proposed amendment.
 1. No applicant-requested change in or addition to an amendment recommended for approval by the Commission shall be made by the Council until the proposed change or addition has been referred back to the Commission for a new public hearing and recommendation. Failure of the Commission to conduct a new public hearing and make a new recommendation within 40 days after the referral, or such longer period as may be designated by the Council, shall be deemed to be approval of the proposed change or addition.
 2. The Council may continue a Comprehensive Plan amendment application, and all of its accompanying applications, to any future Council meeting. However, if a continuance is requested by the applicant, the applications shall be held in abeyance until the next quarterly meeting designated for Comprehensive Plan amendment applications if the amendment is substantial.

3. If a Comprehensive Plan amendment is denied by the Council, all applications that accompanied the Comprehensive Plan amendment are terminated.

I. **Required Findings.**

1. ***Required Findings.*** Comprehensive plan amendments may be approved by the Council only following a determination that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following has been met:
 - a. There was an error in the original Comprehensive Plan adoption;
 - b. The Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;
 - c. Events, trends, or facts after adoption of the Comprehensive Plan have changed the Council's original findings made upon plan adoption; and/or
 - d. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.
2. ***Required Standards for All Amendments.*** If any one of the above findings has been met, the proposed amendment must be consistent with the following standards:
 - a. The amendment is not in conflict with any portion of the goals and policies of the plan.
 - b. The amendment constitutes a substantial benefit to the City and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - c. The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.
 - d. The development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.
 - e. The impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the City or a portion of the City by:
 - i. Significantly altering acceptable existing land use patterns;
 - ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and which cannot be mitigated to the maximum extent feasible;
 - iii. Adversely impacting environmentally sensitive areas or resources; or
 - iv. Adversely impacting existing uses because of increased traffic on existing systems.
 - f. The site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.
3. ***Required Standards for Multifamily Residential Development.*** In addition to the standards above, any proposed amendment that would result in a land use designation permitting multifamily residential development must be consistent with the following standards, except in

situations where the requested land use designation allows less intense residential zoning districts than what currently exists:

- a. Whether the site is within ½-mile of the following:
 - i. The elementary school for which the residence is zoned;
 - ii. An existing or planned city park;
 - iii. An existing grocery store as defined by HMC 4.36.010 or farmer’s market as defined by NRS 268.091 with daily produce sales;
 - iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and
 - v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;
- b. Whether the site is at least 500 feet from a limited-access freeway;
- c. Whether there is at least one job for every dwelling unit within a ½-mile radius of the project site;
- d. The balance of land uses within ½-mile of the project site;
- e. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the proposed density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;
- f. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;
- g. The need for the use, based upon the characteristics within ½-mile of the project site, such as:
 - i. Residential Vacancy Rates;
 - ii. Residential Rental Rates;
 - iii. Commercial Vacancy Rates; and
 - iv. Commercial Rental Rates;
- h. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer’s commitment to fund improvements necessitated by the proposed multifamily residential project;
- i. Whether the site is located outside the Airport Environs (AE) overlay district; and
- j. Considerations of the application’s furtherance of the City’s Comprehensive Plan.

- J. **Appeals.** Appeals of the Council’s decision on Comprehensive Plan amendments shall be made to the District Court of Clark County, as provided by law.

19.21.3 Development Code Text Amendments

- A. **Application Filing.** Applications for a Zoning Ordinance Amendment/Development Code Text Amendment may be filed by the Council, Commission, City Manager, City Attorney, or Director.
- B. **Public Meeting Notice.** The City Clerk shall provide notice of the public meeting at which the proposed Code text amendment will be read to the Council by title.
- C. **Referral to Committee.** Consistent with HMC Sections 2.090 and 2.100, the proposed Code text amendment shall be read to the Council by title and referred to a committee for consideration, after which the proposed Code text amendment shall be filed with the City Clerk for public distribution and publication.
- D. **City Council Review and Decision.** After receiving the report of the Committee, the Council shall act to approve, approve with conditions or deny the proposed Code amendment.
- E. **Text Amendment Approval Criteria.** Recommendations and decisions on Code text amendments shall be based on consideration of any or all of the following criteria:
 - 1. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
 - 2. Whether the proposed amendment is consistent with the purpose and intent of the Code; or
 - 3. Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

19.21.4 Zone Change/Zoning Map Amendments

- A. **Applicability.** This Section includes the procedure for the review of applications for all zone changes and amendments to the zoning map, except for amendments to the Master Plan (MP) and Planned Unit Development (PUD) overlays, which are addressed in HMC Sections 19.21.5 and 19.21.6 below.
- B. **Neighborhood Meeting Required.** Applications to amend the official zoning map may require a neighborhood meeting held in accordance with the procedures in HMC Subsection 19.19.5.C, Neighborhood Meetings, after submittal of a formal application.
- C. **Application Filing.** Applications for zoning map amendments shall be submitted to the Director.
- D. **Public Hearing Notice.** Notice of public hearings on zoning map amendments shall be provided in accordance with the requirements of HMC Subsection 19.19.5.D, Public Notice.
- E. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the proposed zoning map amendment and at the close of the public hearing make a recommendation to the Council. Approval may be recommended for a less intensive zoning classification than requested by the applicant without re-notification.
- F. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the proposed zoning map amendment. Approval may be granted for a less intensive zoning classification than requested by the applicant without re-notification.
- G. **Required Findings.**
 - 1. Recommendations and decisions on zoning map amendments shall be based on consideration of all of the following criteria:
 - a. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact.

- b. Whether the proposed amendment is consistent with the Comprehensive Plan and the stated purposes of HMC Section 19.1.5, Purpose and Intent.
 - c. Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.
 - d. Whether the City and other service providers will be able to provide sufficient public safety, transportation and utility facilities, and services to the subject property, while maintaining sufficient levels of service to existing development.
 - e. Whether the proposed zone change will have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
 - f. Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject property.
 - g. The suitability of the subject property for the existing zoning classification and proposed zoning classification.
2. In addition to the above-listed criteria, any proposed amendment that would reduce the density or intensity of uses on property (i.e., result in a “down-zoning”) is subject to additional approval criteria in accordance with NRS 278.260. These criteria apply if at least 20 percent of the property owners to whom notices were sent indicate opposition to the proposed amendment. These criteria require the governing body to:
- a. Consider separately the merits of each aspect of the proposed amendment to which any property owner(s) expressed opposition.
 - b. Make a written finding that the public interest and necessity will be promoted by the approval of the proposed amendment.
3. In addition to the criteria listed in HMC Subsection 19.21.4.G.3.1 above, any proposed zoning amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:
- a. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impacts identified by the Director; and
 - b. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use; and
 - c. The preservation of open space beyond what would be required under the requested zoning and in furtherance of the goals and objectives of the City’s Comprehensive Plan with regard to the protection of open space; and
 - d. Compliance with the closure plan.
4. In addition to the criteria listed in HMC Subsection 19.21.4.G.3.1 above, recommendations and decisions on any proposed zoning amendment to any district permitting multifamily residential development, except in situations where the resulting change would either lower or maintain the same maximum allowable residential density, shall be based on consideration of all of the following, which must be addressed in the proposed amendment:

- a. Whether the site is within ½-mile of the following:
 - i. The elementary school for which the residence is zoned;
 - ii. An existing or planned park;
 - iii. An existing grocery store as defined by HMC 4.36.010 or farmer’s market as defined by NRS 268.091 with daily produce sales;
 - iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and
 - v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;
 - b. Whether the site is at least 500 feet from a limited-access freeway;
 - c. Whether there is at least one job for every dwelling unit within a ½-mile radius of the projected site;
 - d. The balance of land uses within ½-mile of the project site;
 - e. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;
 - f. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;
 - g. The need for the use, based upon the characteristics within ½-mile of the project site, such as:
 - i. Residential Vacancy Rates;
 - ii. Residential Rental Rates;
 - iii. Commercial Vacancy Rates; and
 - iv. Commercial Rental Rates;
 - h. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer’s commitment to fund improvements necessitated by the proposed multifamily residential project;
 - i. Whether the site is located outside the Airport Environs (AE) overlay district; and
 - j. Considerations of the application’s furtherance of the City’s Comprehensive Plan.
- H. **Appeals.** Appeals of Council decisions on zoning map amendments shall be made to the District Court for Clark County, as provided by law.
- I. **Successive Application.** Following denial of a zoning map amendment request, no new application for the same or substantially the same amendment shall be accepted within one year of the date of denial, unless denial is made without prejudice.

19.21.5 Zone Change with the Master Plan Overlay

- A. **Concept Plan Review.** An applicant for a zone change with the MP overlay shall submit a concept plan prior to application submittal, in accordance with HMC Subsection 19.19.4.C, Concept Plan Review.

- B. **Neighborhood Meeting.** Following review of a concept plan, an applicant for a zone change with the MP overlay shall conduct a neighborhood meeting in accordance with HMC Subsection 19.19.5.C, Neighborhood Meetings, unless the meeting is waived by the review authority.
- C. **Application.** Applications for the approval of a zone change with MP overlay shall be submitted to the Director.
 - 1. An application for a zone change with the MP overlay or an amendment of an existing MP overlay shall include a MP prepared to the specifications of the City. Approval of a MP at the time of zone change is required prior to development in the MP overlay. The MP represents a generalized land use/site plan for the area proposed to be included within a planned development. It is required as a means of allowing early review before detailed planning and engineering work are undertaken and before substantial expenses are incurred.
 - 2. A MP must cover all of the land area to be included in the planned development. The MP shall be accompanied by a terms and conditions statement, which is a textual description of all adopted conditions of approval, a description of how the planned development will meet or exceed the minimum standards of the Code, and the compensating benefits to be provided (if any).
- D. **Public Hearing Notice.** Notice of public hearings on the MP zone change application shall be published, mailed, and posted in accordance with HMC Subsection 19.19.5.D, Public Notice.
- E. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the proposed MP zone change and, within 60 days of the date of the public hearing, make a recommendation to the Council, based on HMC Subsection 19.21.5.G, Required Findings.
- F. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the proposed MP zone change based on HMC Subsection 19.21.5.G, Required Findings.
- G. **Required Findings.** A MP zone change may be approved only if the Council determines that all of the following findings have been met:
 - 1. The proposal is consistent with the Comprehensive Plan;
 - 2. The planned development addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in common open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;
 - 3. The planned development complies with the applicable standards of HMC Section 19.8.5, Master Plan Development Overlay District;
 - 4. The proposal mitigates any potential significant adverse impacts to the maximum practical extent;
 - 5. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;

6. The same development could not be accomplished through the use of other techniques, such as variances or administrative adjustments; and
7. In addition to the above-listed criteria, any proposed master plan amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:
 - a. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impact identified by the Director;
 - b. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use;
 - c. The preservation of open space beyond what would be required under the requested master plan amendment and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to protection of open space; and
 - d. Compliance with the closure plan.
8. In addition to the above-listed criteria, recommendations and decisions on any proposed MP zone change or amendment that includes a request to allow multifamily residential development, except in situations where the resulting change would either lower or maintain the same maximum allowable residential density, in a zoning district in which it is otherwise not permitted shall be based on consideration of all of the following, which must be addressed in the proposed amendment:
 - a. Whether the site is within ½-mile of the following:
 - i. The elementary school for which the residence is zoned;
 - ii. An existing or planned park;
 - iii. An existing grocery store as defined by HMC Section 4.36.010 or farmer's market as defined by NRS 268.091 with daily produce sales;
 - iv. An existing or planned transit stop, as determined by the Regional Transportation Commission of Southern Nevada; and
 - v. An existing or planned shared-use path as defined by the Regional Bicycle & Pedestrian Plan for Southern Nevada;
 - b. Whether the site is at least 500 feet from a limited-access freeway;
 - c. Whether there is at least one job for every dwelling unit within a ½-mile radius of the project site;
 - d. The balance of land uses within ½-mile of the project site;
 - e. The site must comply with the traffic impact study recommendations. A traffic impact study is required for any increase to the density for the most recently approved traffic impact study or if a traffic impact study has never been completed for the site;
 - f. Whether the site is in Clark County School District school attendance zones that have excess capacity sufficient to accommodate the projected student yield of the development;
 - g. The need for the use, based upon the characteristics within ½-mile of the project site, such as:

- i. Residential Vacancy Rates;
- ii. Residential Rental Rates;
- iii. Commercial Vacancy Rates; and
- iv. Commercial Rental Rates;
- h. The need for additional utilities and roads infrastructure and public safety services beyond those existing or planned, as determined by the Director of Utility Services, Traffic Engineer, Fire Chief, and Police Chief, and the developer's commitment to fund improvements necessitated by the proposed multifamily residential project;
- i. Whether the site is located outside the Airport Environs (AE) overlay district; and
- j. Considerations of the application's furtherance of the City's Comprehensive Plan.

H. **Conditions of Approval.** The following shall be standard conditions of the approval of all applications:

- 1. The development standards in the applicant's submitted MP shall be deemed to be incorporated within the action of the Council in its approval of the map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the MP overlay district shall comply with the terms of the approved MP.
- 2. The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the approved MP and as may be further modified by the Council in its approval.

I. **Appeals.** Appeals shall be made in accordance with HMC Section 19.19.6, Review and Decision.

J. **Recordation.** The City shall record the adopting ordinance, MP, and the terms and conditions statement with the City. They shall be binding upon the landowners, their successors, and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the MP and in the terms and conditions statement. A copy of the recorded documents shall be provided to the City prior to issuance of a building permit.

K. **Amendments to an Approved Master Plan.**

- 1. Any request for amendment to an approved MP that increases the number of dwelling units, increases the project's density, increases the number of building lots, decreases the amount of common open space, alters a road pattern, or requests new waivers of Code requirements shall be initiated and processed in the same manner as a new application.
- 2. However, if the Director determines that the requested changes are, in his or her discretion, minor and do not include substantial alterations to the MP conditions of approval and are consistent with the intent of the original approval, the Director may approve the changes.
- 3. The following are provided as illustrative examples of the types of amendments that the Director may reasonably consider to be minor with respect to an approved MP:
 - a. Changes in the size of a particular use;
 - b. Changes in the height of a proposed use;
 - c. Changes in the housing mix or use-mix ratio; or
 - d. Changes that do not result in a change in the character of the development, or the development's relationship with adjacent lands.

19.21.6 Zone Change with the Planned Unit Development Overlay

- A. **Concept Plan Review.** An applicant for a zone change with the PUD overlay shall submit a concept plan prior to application submittal, in accordance with HMC Subsection 19.19.4.C, Concept Plans.
- B. **Neighborhood Meeting.** Following review of a concept plan, an applicant for a zone change with the PUD overlay shall conduct a neighborhood meeting in accordance with HMC Subsection 19.19.5.C, Neighborhood Meetings.
- C. **Application.**
 - 1. ***Plan required for Approval of Zone Change with PUD Overlay.*** An application for approval of a PUD overlay must include a plan, as that term is defined in NRS 278A.060, which contains the following elements, in written and graphic materials, as applicable:
 - a. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed;
 - b. The density of land use to be allocated to parts of the site to be developed;
 - c. The location and size of any common open space and the form of organization proposed to own and maintain any common open space;
 - d. The use and the approximate height, bulk and location of buildings and other structures;
 - e. The ratio of residential to nonresidential use;
 - f. The feasibility of proposals for disposition of sanitary waste and storm water;
 - g. The substance of covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities;
 - h. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
 - i. The required modifications in the site standards otherwise applicable to the subject property; and
 - j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for additional approval of all sections of the PUD are intended to be filed.

PUDs must also meet the standards set forth in HMC Section 19.4.5, Planned Unit Development Overlay. A plan may also contain the minimum standards of design contained in NRS 278A.230 through NRS 278A.370, inclusive.
 - 2. ***Filing.*** Applications for PUD zone change approval shall be submitted to the Director.
- D. **Public Hearing Notice.** Notice of public hearings on the approval of a PUD zone change application shall be published, mailed, and posted in accordance with HMC Subsection 19.19.5.D, Public Notice.
- E. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the PUD zone change and, within 60 days of the date of the public hearing, make a recommendation to the Council, based on HMC Subsection 19.21.6.G, Required Findings.
- F. **City Council Review and Decision.** After receiving the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the tentative PUD zone change based on HMC Subsection 19.21.6.G, Required Findings.

- G. **Required Findings.** A tentative PUD zone change may be approved only if the Council finds that all of the following enumerated criteria have been met, written findings of which must be set forth particularly in the minutes. The minutes shall also set forth the time in which the application for final approval of the PUD must be filed, and a copy of the minutes shall be sent to the owner:
1. The proposal is consistent with the Comprehensive Plan;
 2. The PUD addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in common open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;
 3. The planned development complies with the applicable standards of HMC Section 19.8.6, Planned Unit Development Overlay District;
 4. The proposal mitigates any potential significant adverse impacts to the maximum practical extent;
 5. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and
 6. The same development could not be accomplished through the use of other techniques, such as variances or administrative adjustments;
 7. The plan is consistent with the statement of objectives of a PUD;
 8. If the plan departs from zoning and subdivision regulations, otherwise applicable to the property, including but not limited to density, bulk, and use, these departures are deemed to be in the public interest;
 9. The ratio of residential and nonresidential use in the PUD is satisfactory, if applicable;
 10. The purpose, location and amount of the common open space in the PUD are acceptable, the proposals for maintenance and conservation of the common open space are reliable, and the amount and purpose of the common open space as related to the proposed density and type of residential development are adequate;
 11. The physical design of the plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment;
 12. The relationship of the proposed PUD to the neighborhood in which it is proposed to be established is beneficial or not adverse; and
 13. In the case of a plan which proposes development over a period of years, the terms and conditions intended to protect the interests of the public, residents and owners of the PUD in the integrity of the plan are sufficient.
- H. In addition to the above-listed criteria, any proposed PUD amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:

1. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impact identified by the Director;
 2. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use;
 3. The preservation of open space beyond what would be required under the requested PUD amendment and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to protection of open space; and
 4. Compliance with the closure plan.
- I. **Conditions of Approval.** The following shall be standard conditions of approval on all PUD zone change applications:
1. The development standards in the applicant's submitted PUD shall be deemed to be incorporated within the action of the Council in its approval of the zoning map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the PUD overlay district shall comply with the terms of the finally approved PUD except as otherwise provided in this Section.
 2. The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the approved PUD and as may be further modified by the Council in its approval.
- J. **Appeals.** Appeals shall be made in accordance with HMC Section 19.19.6, Review and Decision.
- K. **Recordation.** The City shall record the adopting ordinance, approved and certified PUD, and the terms and conditions statement with the City. The City shall also record any amendments to the approved PUD. They shall be binding upon the landowners, their successors, and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the approved PUD and in the terms and conditions statement. A copy of the recorded documents shall be provided to the City prior to issuance of a building permit.
- L. **Amendments to An Approved Planned Unit Development.**
1. Except as otherwise provided in HMC Subsection 19.21.6.K.3, the City may amend an approved PUD to modify, remove or release any provisions of the plan following a public hearing in accordance with HMC Subsection 19.21.6.K.2.
 2. At the public hearing approving an amendment under HMC Subsection 19.21.6.K(1), the Commission must determine that the modification, removal or release of the provisions of the plan:
 - a. Does not adversely affect either the enjoyment of land within the PUD, abutting upon or across a street from the PUD or the public interest; and
 - b. Is not granted solely to confer a private benefit upon any person.
 3. Upon application of a property owner within the PUD, the City may amend an approved PUD to modify, remove or release any provisions of the plan without a public hearing if:
 - a. The plan does not include any residential development;
 - b. The modification, removal or release does not propose to add any residential development;

- c. The modification, removal or release does not require the vacation or abandonment of any street, public sidewalk, pedestrian right-of-way, or drainage easement; and
- d. The Director determines that the modification, removal or release:
 - i. Is minor in nature, as defined in this subsection; and
 - ii. Substantially complies with the approved plan.
- e. For the purposes of this subsection, a modification, removal or release of a plan provision is “minor” if it:
 - i. Includes deviations of no more than 10% of any Code or PUD-required measurement, such as setback, building height, number of parking spaces, etc., except that deviations that exceed or increase compliance with the required measurement may exceed 10%;
 - ii. Does not violate a condition of approval or a specific standard of the PUD, except as noted above; and
 - iii. Does not require a new waiver of standards and/or does not increase the severity of an existing waiver of standards.
- 4. Pending completion of an approved PUD, or of the part that has been approved, no modifications of the provisions of the plan, or any part that has been approved, may be made, nor may it be impaired by any act of the City, except with the consent of any property owners within the PUD who are affected by the modification, as determined by the Director.
- 5. If a PUD was originally tied to an underlying tentative map or zoning application, any applicable amendment procedures for such application shall also be followed.
- 6. An amendment to a finally approved PUD shall be recorded.

Chapter 19.22 Conditional Use Permits

Sections:

- 19.22.1 Purpose
- 19.22.2 Applicability
- 19.22.3 Review Authority
- 19.22.4 Application Filing
- 19.22.5 Public Hearing Notice
- 19.22.6 Review and Decision
- 19.22.7 Required Findings
- 19.22.8 Appeals
- 19.22.9 Effective Date
- 19.22.10 Lapse of Approval
- 19.22.11 Transferability
- 19.22.12 Amendments
- 19.22.13 Successive Applications
- 19.22.14 Complaints
- 19.22.15 Business License

19.22.1 Purpose

The conditional use permit (CUP) is a discretionary review and approval process intended to apply to uses that are generally consistent with the purposes of the district where they are proposed but require special consideration due to varying operating characteristics or unusual site features. The CUP process ensures that proposed uses can be designed, built, located, and operated in a manner that will not have an adverse impact on surrounding properties and the community.

19.22.2 Applicability

Approval of a CUP is required for uses or developments specifically identified in HMC Chapter 19.22 and/or any other section of this Code which requires a CUP.

19.22.3 Review Authority

Unless otherwise stated in another part of this Code, the Commission shall act as the review authority for CUPs based on consideration of the requirements of this Chapter.

19.22.4 Application Filing

Applications for a CUP shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. In addition to any other application requirements, the application for CUP shall include evidence showing that the requested CUP conforms to the required findings set forth in HMC Section 19.22.7, Required Findings.

19.22.5 Public Hearing Notice

Notice of public hearings on CUPs shall be provided in accordance with the requirements of HMC Subsection 19.19.5.D, Public Notice.

19.22.6 Review and Decision

An application for a CUP shall require a public hearing before the review authority, pursuant to HMC Subsection 19.19.5.E, Public Hearings.

- A. Within 50 days of receipt of a complete application, the review authority shall hold a public hearing on the proposed CUP request.
- B. At the close of the public hearing, the review authority shall act to approve, approve with conditions, or deny the application, based on HMC Section 19.22.7, Required Findings.

19.22.7 Required Findings

- A. **General.** The review authority must make all of the following findings in order to approve or conditionally approve a CUP application. The review authority shall deny an application for a CUP if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.
 - 1. The proposed use complies with all applicable provisions of this Code unless otherwise expressly stated;
 - 2. There is a need for the proposed use at the proposed location;
 - 3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, parking, lighting, noise, odor, dust, and other external impacts);
 - 4. Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent;
 - 5. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
 - 6. Public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;
 - 7. Adequate assurances of continuing maintenance have been provided; and
 - 8. Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent.
- B. **Liquor Licenses.** CUPs for liquor licenses may be approved by the Commission only if they find that all of the “General” approval criteria of HMC Subsection 19.22.7.A and the following criteria have been met:
 - 1. The proposed use, its site design and conditions applied thereto, are intended to result in a facility where littering, loitering, and outdoor disturbance or excessive noise are not likely to occur.
 - 2. The proposed use will not adversely affect the welfare of the neighborhood residents because on-site consumption occurs in designated and properly designed areas indoors or outdoors and

that, for package sales locations, adequate measures are proposed that on-site consumption is not likely to occur.

3. The proposed project, based upon its physical positioning on the site and its architectural and design features, is compatible with the surrounding neighborhood. Considerations to ensure compatibility may include, but are not limited to, an evaluation of security, noise, light and glare, parking location and availability, and service area locations.

C. Marijuana Establishments.

1. CUP applications for marijuana establishments shall not require Commission approval and will proceed directly for final action at Council. CUPs for marijuana establishments shall be heard in conjunction with a City business license application on the same Council meeting.
2. All marijuana establishments require approval of a CUP. CUPs for marijuana establishments are only valid at a given location for the operator who obtains the Nevada State Certificate for the facility. The CUP approval shall expire and become null and void if the marijuana establishment operator loses or otherwise forfeits his or her State Certificate to operate that facility.
3. CUPs for marijuana establishments may only be submitted to Community Development and Services in conjunction with an application to the City Business License Department. A CUP application is not deemed complete and will not be scheduled for a public hearing until the City Business License application has been reviewed and approved in accordance with Business License marijuana establishment suitability criteria. Once deemed approved, a CUP will be scheduled for a public hearing meeting.
4. CUPs for marijuana establishments may be approved only if they meet all of the “General” approval criteria of HMC Subsection 19.22.7.A and the standards of HMC Chapter 19.9, Use Regulations.
5. CUPs for medical marijuana establishments for cultivation, infusion and/or manufacturing and laboratories, approved prior to July 2017, shall be considered marijuana establishments. These approved sites, unless adding another establishment type to the existing site, shall not require any change to an approved CUP.

19.22.8 Appeals

A decision on a CUP may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.22.9 Effective Date

Decisions of the Commission on a CUP shall become effective 10 days after the date that the City Clerk received written notice of the Commission’s approval of the CUP, unless a valid appeal is filed in accordance with HMC Section 19.19.6, Review and Decision.

Decisions of the Council on a CUP shall become effective upon filing of the notice of decision with the City Clerk’s office.

19.22.10 Lapse of Approval

- A. A CUP shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
 - 1. A building permit, other than a grading permit, has been issued and construction diligently pursued toward completion of the building.
 - 2. A certificate of occupancy has been issued.
 - 3. The use is established and maintained.
 - 4. The CUP is renewed.
- B. A CUP shall lapse upon termination of a project or expiration of a building permit.
- C. Except as otherwise provided herein, a CUP shall lapse if the rights granted by it are discontinued for 180 consecutive days, or other period of time as specified by the Council as part of a closure plan.
- D. A CUP for a marijuana establishment shall not be effective until the licensee has received State approval and approval of a business license from the City.
- E. The process by which a conditional use may be extended is set forth below:
 - 1. The Director may renew or extend the time of a CUP when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Director.
 - 2. Additional extensions of time may be approved by the Commission, whose decision may be appealed to the Council in accordance with the appeal procedures of HMC Section 19.19.6, Review and Decision.
- F. The process by which a discontinued use may be extended is set forth below. Uses can only be extended at the location for which they were originally approved.
 - 1. **Established Use.** Any established use, defined as a use that was approved and opened for business, which is anticipated to be discontinued for more than 180 days, may be extended as part of an approved closure plan processed through the Community Development and Services Department, which requires Council action. The closure plan must specify the period of time for the extension of the established use. The closure plan does not extend a business license; any business license extension shall be processed through Business Licensing Department procedures.
 - 2. **Non-Established Use.** Any non-established use, defined as a use that was approved but never opened for business, may be extended through the extension of time process described in HMC Chapter 19.22, Conditional Use Permits. The extension of time must specify the period of time for the extension of the non-established use. The closure plan does not extend a business license; any business license extension shall be processed through Business Licensing Department procedures.

19.22.11 Transferability

- A. The status of a CUP is not affected by changes of tenancy, ownership, or management.
- B. A CUP for a marijuana establishment shall not be transferable to another location.
- C. Any transferability is subject to approval of applicable licensing requirements.

19.22.12 Amendments

A request for changes in conditions of approval of a CUP or a change to development plans that would affect a condition of approval shall be processed in the same manner as the original application. The Director shall be authorized to approve minor modifications that have no potential for significant offsite impacts, provided that they do not involve any of the following:

- A. A five percent or greater increase in building height;
- B. A five percent or greater increase in floor area or building coverage when calculated on a total, aggregate project basis; or
- C. A five percent decrease in common open space.

19.22.13 Successive Applications

Following denial of a CUP request, no new application for the same or substantially the same use shall be accepted within one year of the date of denial, unless denial is made without prejudice.

19.22.14 Complaints

Complaints regarding approved CUPs shall be processed in accordance with the provisions of HMC Chapter 19.35, Enforcement.

19.22.15 Business Licenses

Approval of a CUP does not guarantee the issuance or approval of a business license. Licensure must be sought, reviewed, and approved separately in accordance with all applicable regulations for the business license.

Chapter 19.23 Waiver of Standards

Sections:

- 19.23.1 Purpose and Scope
- 19.23.2 Applicability
- 19.23.3 Pre-Application Meeting
- 19.23.4 Decision-Making Responsibility
- 19.23.5 Criteria
- 19.23.6 Compensating Benefits
- 19.23.7 Effect of Approval

19.23.1 Purpose and Scope

This Section allows the approval of a waiver as part of a Waiver of Standards application or the PUD or Master Plan zone change process, which allows development to occur in a manner that meets the intent of this Code, yet through an alternative design that does not strictly adhere to the Code's standards. This Section authorizes a site-specific development alternative that is equal to or better than the strict application of the standards of this Code.

19.23.2 Applicability

The waiver procedure is available only for the following:

- A. Site or lot area, lot width, setback, height, building coverage, structure spacing, or dwelling size;
- B. HMC Chapters 19.2, Residential Zoning Districts; 19.3, Mixed-Use Zoning Districts; 19.4, Commercial Zoning Districts; 19.5, Industrial Zoning Districts; 19.6, Public and Special Purpose Zoning Districts; 19.7, Planned Community Zoning District; 19.8, Overlay Districts;
- C. HMC Section 19.8.4, Hillside Overlay District;
- D. HMC Section 19.10.2, Building Design Standards;
- E. HMC Section 19.10.3, Circulation and Mobility;
- F. HMC Section 19.10.10, Open Space;
- G. HMC Section 19.10.12, Sustainability; and
- H. HMC Section 19.10.13, Operational Performance;
- I. HMC Chapter 19.11, Landscaping Standards Section;
- J. HMC Chapter 19.12, Parking and Loading Standards;
- K. HMC Chapter 19.14, Subdivision Design and Improvements.

19.23.3 Pre-Application Meeting

An applicant proposing to apply for a waiver may request and attend a pre-application meeting prior to submitting application materials for the applicable entitlement(s), to obtain nonbinding input from the Director regarding

proposed benefits. Based on the response, the application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

19.23.4 Decision-Making Responsibility

Final approval of any proposed waiver shall be the responsibility of the Commission for waivers requested through a Waiver of Standards application or Council for waivers requested in conjunction with PUD or MP overlays.

19.23.5 Criteria

A waiver may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

- A. Achieves the intent of the subject standard to the same or better degree than the subject standard;
- B. Advances the goals and policies of the Comprehensive Plan and this Code to the same or better degree than the subject standard;
- C. Provides compensating benefits pursuant to this Section; and
- D. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

19.23.6 Compensating Benefits.

Waivers shall be granted only when compensating benefits or amenities are offered that are directly related to the proposed waiver and would not otherwise be required by this Code or State law.

- A. **Affordable Housing.** Affordable housing units are considered a compensating benefit and may be eligible for a waiver as determined by the Director.
- B. **Eligible Compensating Benefits.** Compensating benefits may be provided to meet either, or a combination of, the following criteria:
 - 1. Benefits the general public:
 - a. Park(s), trails, or other similar public or cultural facilities;
 - b. Public landscape buffers or beautification areas;
 - c. Public art;
 - d. Permanent conservation of natural areas or lands;
 - e. Increased building setbacks;
 - f. Decreased building height;
 - g. Other benefits as agreed upon by the Director and/or approved by the Commission or Council.
 - 2. Benefits the users, customers, or residents of the proposed development:
 - a. Open space, trails, or other similar recreational amenities;
 - b. Upgrades in architectural design;
 - c. Increased landscaping;
 - d. Increased buffering;

- e. Permanent conservation of natural areas or lands;
 - f. Secure bicycle facilities, where appropriate;
 - g. Other benefits as agreed upon by the Director and/or approved by the Commission or Council.
- C. If the benefits provided are required by this Code, they must be provided in an amount that exceeds the requirement.

19.23.7 Effect of Approval

A waiver shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

Chapter 19.24 Design Review

Sections:

- 19.24.1 Purpose
- 19.24.2 Applicability
- 19.24.3 Review Authority
- 19.24.4 Application
- 19.24.5 Procedures
- 19.24.6 Scope of Design Review
- 19.24.7 Design Review Criteria
- 19.24.8 Appeals
- 19.24.9 Lapse of Approval

19.24.1 Purpose

This Chapter establishes procedures to ensure that new development supports the goals and objectives of the Henderson Strong Comprehensive Plan, other adopted plans and guidelines, and the site planning, building design, and architectural standards of this Code or Council approved development standards. The specific purposes of the design review process are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
- B. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
- C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

19.24.2 Applicability

Design review is required for all new development, site improvements, and site alterations to any existing development or site improvements, except the following which are exempt from design review.

- A. Any alteration or improvement not affecting the external appearance of a structure;
- B. Any alterations or additions to a legally-established, conforming, single-family, detached dwelling;
- C. Additions or alterations to any nonresidential or mixed-use building with a building permit valuation of less than \$7,500; and
- D. Site plans associated with a master plan or PUD for which site plans and building design/architectural plans have been approved in accordance with the applicable review procedures of this Code.

19.24.3 Review Authority

- A. **Planning Commission.** The Commission shall act as the design review authority when a design review application accompanies other accompanying entitlements requiring Commission approval (such as CUPs and variances).

- B. **Community Development and Services Director.** The Director shall act as the design review authority for all projects that do not meet the criteria listed in the above HMC Subsection 19.24.3.A. for a decision by the Commission. The Director may refer items directly to the Commission when in his/her opinion the public interest would be better served by having the Commission conduct design review.

19.24.4 Application

Applications for design review shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. In addition to any other application requirements, the application for design review shall include evidence showing that the proposed design conforms to the review criteria set forth in HMC Section 19.24.7, Design Review Criteria or within the Council approved development standards.

19.24.5 Procedures

- A. **Concurrent Processing.** When a development project requires a zone change amendment, variance, waiver or any other discretionary approval, the design review shall be conducted and decided upon concurrently with the other required approval.
- B. **Review and Decision.** Design review applications that are not being processed concurrently with other approvals shall be approved, approved with conditions, or denied by the Director within 30 days of receipt of a complete application.
1. Any changes made after final approval must be reviewed and approved by the Director prior to building permit submittal.

19.24.6 Scope of Design Review

Design review shall be based on consideration of the requirements of this Chapter as they apply to the design of the site plan, structures, landscaping, and other physical features of a proposed project, including:

- A. Building proportions, massing, and architectural details;
- B. Site design, orientation, location, and architectural design of buildings relative to existing structures on or adjacent to the property, topography, and other physical features of the natural and built environment;
- C. Size, location, design, development, and arrangement of on-site parking and other paved areas;
- D. Exterior materials and, except in the case of design review of a single-family residence, color as they relate to each other, to the overall appearance of the project, and to surrounding development;
- E. Height, materials, design, fences, walls, and screen plantings; and
- F. Location and type of landscaping including selection and size of plant materials, and design of hardscape.

19.24.7 Design Review Criteria

When conducting design review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the Henderson Strong Comprehensive Plan and any other applicable plan or design guidelines. To obtain design review approval, projects must satisfy the following criteria to the extent they apply.

- A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
- B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
- C. Project details, materials, and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
- E. Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.
- F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating off-site glare.
- G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site and help relate the building to the surrounding landscape.

19.24.8 Appeals

Design review decisions may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.24.9 Lapse of Approval

An approved design review application shall lapse and have no further effect 18 months after its effective date or at such alternate time specified in the approval unless:

- A. A building permit, other than a grading permit, has been issued and construction diligently pursued;
- B. A certificate of occupancy has been issued;
- C. The use is established; or
- D. The design review has been granted an extension of time.

Chapter 19.25 Master Sign Plan

Sections:

- 19.25.1 Applicability
- 19.25.2 Application Filing
- 19.25.3 Contents of Master Sign Plans
- 19.25.4 Allowable Modifications
- 19.25.5 Review and Decision
- 19.25.6 Required Findings
- 19.25.7 Appeals
- 19.25.8 Master Development Signs

19.25.1 Applicability

A master sign plan is required for the following:

- A. Proposals seeking modifications to applicable sign regulations.
- B. Non-restricted or limited gaming establishments.
- C. Any nonresidential development with a cumulative gross floor area of 50,000 square feet or more.
- D. Any residential development seeking signage that exceeds the applicable standards in HMC Chapter 19.13, Signs.
- E. Any development with a cumulative gross site area of 10 acres or more.
- F. Any development whose signage requires, by Commission or Council action, coordination with its surrounding area or coordination with an approved site and design review plan.
- G. Any other development or circumstance expressly subject to a master sign plan.

19.25.2 Application Filing

Applications for master sign plans shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. In addition to any other application requirements, the application for a master sign plan shall include evidence showing that the requested master sign plan conforms to the required findings set forth in HMC Section 19.25.6, Required Findings.

19.25.3 Contents of Master Sign Plans

A master sign plan shall contain all written and graphic information needed to fully describe the sign program, including the location and dimension of each sign, as well as color schemes, font types, materials, methods of attachment or support, and methods of illumination. A master sign plan shall also include calculation of maximum allowable sign area, and total existing and proposed sign area, for the site.

19.25.4 Allowable Modifications

- A. **Allowable Modifications.** A master sign plan may provide for deviations from the following standards if the strict and literal interpretation of HMC Chapter 19.13, Signs, would result in practical difficulties or unnecessary hardships.
1. Sign height, provided the sign is not raised more than 25 percent above the allowable height.
 2. Sign area, provided the sign is not increased in area more than 25 percent above the allowable area.
 3. Sign location, provided no more than two legally permitted signs are located along any one building frontage.
 4. Any other standard, as deemed appropriate by the review authority consistent with this Subsection.
- B. **Findings.** In reviewing any proposed modification(s), the review authority shall consider and clearly establish the following findings.
1. There are specific circumstances or conditions applicable to the property, building, adjacent property or buildings, or topography that substantially restrict effectiveness of the sign, if code standards are followed.
 2. The special circumstances or conditions are unique to the particular business or use and do not apply in general to other businesses or uses in the same zoning district or area.
 3. The strict interpretation of HMC Chapter 19.13, Signs, would place the business at a disadvantage with other businesses in the same zoning district and area.
 4. The approval of modification(s) would not adversely affect existing nearby residential uses or structures, or the community overall.
 5. The approval of modification(s) provides the minimal relief necessary to achieve the desired reasonable degree of visibility for the affected sign.

19.25.5 Review and Decision

- A. **Planning Commission.** The Commission shall be the review authority for any master sign plan application requesting modifications to sign regulations otherwise allowed by this Code and, within 50 days of receipt of a complete application, act to approve, approve with conditions, or deny the application.
- B. **Community Development and Services Director.** The Director shall be the review authority for all other master sign plan applications and, within 50 days of receipt of a complete application, act to approve, approve with conditions, or deny the application.

19.25.6 Required Findings

The review authority must make all of the following findings in order to approve a master sign plan:

- A. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any signage adjoining the surrounding structures on the site; and
- B. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification.

19.25.7 Appeals

A decision on a master sign plan may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.25.8 Master Development Signs

Master development signs are allowed within the planned community or large aggregate body of developments through a master sign plan, consistent with this Section, or MP. Master development signs are anticipated to include directional and identification signs that do not fall into defined sign types. The master sign plan shall include the number of signs, setback, location, design, and height. Sign locations shall comply with HMC Chapter 19.13, Signs.

Chapter 19.26 Vacations

Sections:

- 19.26.1 Purpose
- 19.26.2 Type I Vacations
- 19.26.3 Type II Vacations

19.26.1 Purpose

This Chapter provides administrative provisions for all requests to vacate public right-of-way, City easements, or municipal utility easements.

19.26.2 Type I Vacations

- A. **Applicability.** The procedures of this Section shall apply to all requests to vacate or abandon any public right-of-way, City easement other than a Type II municipal utility easement, or the City's interest in any easement owned by agencies other than the City. Requests to vacate municipal utility easements shall be processed in accordance with HMC Section 19.26.3, Type II Vacations. However, requests for Type II Vacations combined with Type I Vacations shall follow the procedures of this section.
- B. **Application Filing.** Applications for Type I vacations shall be submitted to the City Surveyor.
- C. **Public Hearing Notice.** Notice of public hearings on Type I vacations shall be provided pursuant to HMC Subsection 19.19.5.D, Public Notice. Additionally, all owners of property abutting the proposed area to be vacated shall be notified by mail pursuant to a method that provides confirmation of delivery per NRS 278.480.4(a). Notice shall be provided not less than 10 days before and not more than 40 days before the scheduled public hearing.
- D. **Director Review and Report.** The Director shall review each proposed Type I vacation and distribute the application to other review agencies. Based on the results of those reviews, the Director shall provide a report to the Planning Commission
- E. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the application and, at the conclusion of the hearing, act to recommend that the Council approve, approve with conditions, or deny the application. If, upon public hearing, the Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall recommend the application be approved. The Commission may make the recommendation conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed. The Commission's recommendation shall be based on whether the application complies with the standards of this Code and NRS Chapter 278.
- F. **City Council Review and Decision.** The Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Code and NRS Chapter 278. If the Council is satisfied that the public will not be materially injured by the proposed vacation, it shall approve the application. The Council may make the order conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.
- G. **Recordation.**
 - 1. The applicant shall be responsible for preparing all vacation documents except the vacation order.

2. The City shall prepare the vacation order and record all documents with the Clark County Recorder at such time as all conditions of the order, if any, have been fulfilled.
3. If the approved vacation order is not recorded within one year of the date of approval, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Director on a form established by the Public Works Director.

19.26.3 Type II Vacations

- A. **Applicability.** The procedures of this Section shall apply to all standalone requests to vacate municipal utility easements. The procedures of this Section shall not apply to requests to vacate public rights-of-way, non-municipal utility easements, or the City's interest in any utility controlled by agencies other than the City such as the easements associated with a Type I vacation. However, requests for Type II Vacations combined with Type I Vacations shall follow the procedures of HMC Section 19.26.2, Type I Vacations.
- B. **Application Filing.** Applications for Type II vacations shall be submitted to the City Surveyor.
- C. **Public Works Director Review and Report.** The Public Works Director shall review each proposed municipal utility easement vacation and distribute the application to other review agencies. Based on the results of those reviews, the Public Works Parks and Recreation Director shall provide a report to the City Council.
- D. **City Council Review and Decision.** The Council shall act to approve, approve with conditions, or deny the application based on whether it complies with the standards of this Code and NRS Chapter 278. If the Council is satisfied the public will not be materially injured by the proposed vacation, it shall approve the application. The Council may make the order conditional such that the vacation becomes effective only upon the fulfillment of the conditions prescribed.
- E. **Recordation.**
 1. The applicant shall be responsible for preparing all municipal utility easement vacation documents except the municipal utility easement vacation order.
 2. The City shall prepare the municipal utility easement vacation order and record all documents with the Clark County Recorder at such time as all conditions of the order, if any, have been fulfilled.
 3. If the approved municipal utility easement vacation order is not recorded within one year of the date of approval of the municipal utility easement vacation, the approval shall lapse and be of no further effect unless a one-time administrative extension of time has been granted by the Public Works Director on a form established by the Public Works Director.

Chapter 19.27 Development Agreements

Sections:

- 19.27.1 Purpose
- 19.27.2 Applicability for Standard Development Agreements
- 19.27.3 Applicability for Negotiated Development Agreements
- 19.27.4 Procedures
- 19.27.5 Negotiated Development Agreement Terms
- 19.27.6 Amendment, Cancellation, and Release
- 19.27.6 Standard Development Agreements

19.27.1 Purpose

This Chapter provides administrative provisions for negotiated and standard development agreements, both of which are intended to offer a method for applicants and the City to agree upon development considerations during project review.

19.27.2 Applicability for Standard Development Agreements

- A. A standard development agreement is required for parcels of land upon which applicants are not requesting Planned Community (PC) zoning and which also meet any one or more of the following criteria:
 - 1. A project located within the West Henderson Land Use Plan boundary; or
 - 2. A project located within a public facilities needs assessment area.
- B. A standard development agreement may be appropriate for other projects, as determined by the Council or recommended by the Development Agreement Advisory Committee (DAAC).

19.27.3 Applicability for Negotiated Development Agreements

- A. A negotiated development agreement is required for parcels of land upon which applicants are requesting Planned Community (PC) zoning.
- B. A negotiated development agreement may be appropriate for other projects, as determined by the Council or recommended by the Development Agreement Advisory Committee (DAAC).
- C. Development projects that include one or more of the following are subject to a negotiated development agreement unless otherwise determined by the DAAC:
 - 1. A local improvement district or modification to a local improvement district pursuant to NRS Chapter 271;
 - 2. A refunding agreement entered into pursuant to HMC Chapter 14.16;
 - 3. A request to waive residential construction tax;
 - 4. An annexation of any size;

5. Projects with a Sensitive Lands overlay or projects requiring a plan for environmental remediation;
6. A project requiring the preservation or renovation of historic structures;
7. A project for which a request for an owner participation agreement or tax-increment financing is made;
8. A Project of Significant Impact (see HMC Chapter 19.37.1, Definitions);
9. A project that includes one or more of the following:
 - a. A facility that generates more than 50 megawatts of electricity;
 - b. A natural gas storage or peak-shaving facility; or
 - c. A gas regulator station or main that operates or is capable of operating at over 200 pounds per square inch.
10. Property proposed for a master plan development overlay where existing infrastructure is not of sufficient capacity to support the proposed development;
11. Property acquired through a Bureau of Land Management (BLM) land sale;
12. Property acquired through a City sale pursuant to NRS 268.048 et seq.;
13. Development of a property currently or previously subject to an inactive, non-compliant, or cancelled development agreement;
14. Proposed amendments or development changes to property currently subject to any one or more of the above;
15. A proposal to redevelop or change the use of a golf course, park, open space or PS-zoned land; or
16. A project consisting of or containing an age-restricted community.

19.27.4 Procedures

- A. **Concept Plan Review Required.** For any project that requires or could require a development agreement, the applicant shall submit an application for a concept plan review pursuant to HMC Subsection 19.19.4.C, Concept Plan Review. Concept plan review for development agreements shall be coordinated between City staff and the DAAC.
- B. **Determination of Appropriateness.** The Community Development and Services Department shall collaborate with the DAAC to make a determination whether a development agreement is the appropriate method for development of the project and if so, whether a negotiated or a standard development agreement is appropriate.
 1. If the DAAC determines that a negotiated development agreement is appropriate, the applicant shall submit an application for the development agreement.
 2. If the DAAC does not authorize the applicant to proceed using a standard development agreement, the City will then prepare and negotiate the development agreement with the applicant.
 3. If the DAAC determines that a standard development agreement is appropriate, the City will provide the applicant with a proposal consisting of a standard development agreement. If at

any time the applicant elects not to use the standard development agreement, the City will then prepare and negotiate a negotiated development agreement with the applicant.

- C. **Entitlements.** Entitlements related to the standard development agreement will follow the normal entitlement process. Standard development agreements will not require Commission approval but shall be executed and approved by ordinance prior to issuance of any building permits.
- D. **Planning Commission Review.** If the development agreement includes the permitted uses of land and development regulations, Commission must review the development agreement and make a recommendation to Council regarding the appropriate action.
- E. **Approval by Ordinance.** All development agreements shall be approved by ordinance in a manner consistent with NRS 278.
- F. **Effect.** Any entitlements related to a property or project that has been determined to be subject to a development agreement will be conditioned to require the execution and approval of the development agreement prior to the issuance of any building permit. Once a development agreement has been adopted by ordinance, no building permit shall be issued unless a valid development agreement remains in effect and the Applicant is not in breach of the development agreement terms.

19.27.5 Negotiated Development Agreement Terms

A development agreement shall conform to the applicable requirements of NRS 278.0201 et seq. and NRS 278.02591 et seq., and:

- A. Must contain provisions:
 - 1. Describing the land that is the subject of the development agreement;
 - 2. Specifying the duration of the development agreement;
 - 3. Specifying events that constitute breach of the development agreement; and
 - 4. Providing periods during which any breach may be cured.
- B. May contain provisions specific to the type of development, including:
 - 1. The reservation or dedication of any portion of the land for public use or for the payment of fees in lieu thereof, including, but not limited to rights-of-way, easements, or public facilities, as may be required or permitted pursuant to laws, ordinances, resolutions, rules or plans adopted by the City and in effect at the time of entering into the development agreement;
 - 2. The protection of environmentally sensitive lands;
 - 3. The preservation and restoration of historic structures;
 - 4. The phasing or timing of construction or development on the land, including, without limitation, the dates on which all or any part of the construction or development must commence and be completed, and the terms on which any deadline may be extended. Each portion or phase of development or improvement contemplated should be able to stand alone, independent of proposed further phases or improvements. Subsequent phases of development may be added to completed phases to achieve independent status;
 - 5. The conditions, terms, restrictions, and requirements for infrastructure on the land and the financing of the public infrastructure by a person having a legal or equitable interest in the land;

6. The conditions, terms, restrictions, and requirements for annexation of land by the city or county and the phasing or timing of annexation by the city or county;
 7. The conditions, terms, restrictions, and requirements relating to the intent of the governing body to include the land in an improvement district created pursuant to NRS 271;
 8. The conditions, terms, restrictions, and requirements relating to any applicable public facilities needs assessment approved for the area in which the subject property is located;
 9. A schedule of fees and charges;
 10. A description of the laws, ordinances, codes, resolutions, rules, regulations, plans, design, and improvement standards by name and date of adoption applicable to the project. Unless specified in the development agreement or unless directly in conflict with what is specified in the development agreement, the laws, ordinances, codes, resolutions, rules, regulations, plans, and design and improvement standards adopted by the Council and in effect at the time of issuance of any required construction or building permit shall apply;
 11. Any conditions imposed by other land use and permit approvals allowed by law as of the effective date of the development agreement;
 12. Security for the construction of the required common area and public improvements in an amount sufficient to complete all required improvements and to remove all rubbish, trash, debris, surplus material, and equipment from the area as determined by the DAAC. Security shall be by such good and sufficient bond or other security as is deemed appropriate by the Council to protect the public interest;
 13. An indemnity and insurance clause requiring the developer, applicant, and property owner to indemnify the City against certain claims arising out of the development;
 14. An allowance for the waiver of any other provision of the HMC consistent with the purpose of the development agreement;
 15. A review of compliance with the development agreement terms and conditions every 24 months or sooner as specified in the approved development agreement;
 16. Any other matters relating to the development of the land; and
 17. The permitted uses of the land and development regulations including:
 - a. A land use development plan;
 - b. Subdivision design and improvement standards;
 - c. General development standards;
 - d. Standards for signs;
 - e. Provisions for nonconformities;
 - f. The density or intensity of the use of the land; and
 - g. The maximum height and size of any proposed buildings.
- C. Nothing in this Section shall be construed to preclude the City from concurrently utilizing any other entitlement process or processes described in this Code in conjunction with any development agreement prepared pursuant to this Chapter.

19.27.6 Amendment, Cancellation, and Release

- A. A negotiated development agreement may be amended or cancelled by the City in whole or in part, with or without the consent of the other parties to the development agreement or their successors in interest, for any reason set forth in NRS 278.0205 and in accordance with procedures set forth in NRS 278.0205 and NRS 278.02053.
- B. If a negotiated development agreement has been cancelled in whole or in part pursuant to NRS 278.0205, and unless a new development agreement is entered into to replace the cancelled development agreement or portion thereof, the property previously the subject of the development agreement shall maintain its zoning unless otherwise specified in the development agreement. The property is then subject to a City-initiated zone change application or an applicant-initiated zone change application in conformance with the requirements set forth in HMC Chapter 19.21, Comprehensive Plan and Zoning Amendments.
- C. Amendments to negotiated development agreements that include the permitted uses of land and development regulations must be reviewed by Commission and referred to Council for appropriate action, and shall be approved by ordinance in a manner consistent with NRS Chapter 278.
- D. Prior to the expiration of its term, a standard development agreement may be released upon the property owner's request and City's determination that all obligations of the standard development agreement have been fully satisfied. The release shall be approved by ordinance and recorded in a manner consistent with NRS Chapter 278 to be effective. Any future development on a parcel upon which a release of standard development agreement has been recorded may be subject to a new standard or negotiated development agreement.

Chapter 19.28 Variances

Sections:

- 19.28.1 Purpose
- 19.28.2 Applicability
- 19.28.3 Review Authority
- 19.28.4 Application Filing
- 19.28.5 Public Hearing Notice
- 19.28.6 Review and Decision
- 19.28.7 Required Findings
- 19.28.8 Notice of Decision
- 19.28.9 Appeals
- 19.28.10 Lapse of Approval
- 19.28.11 Extension of Time
- 19.28.12 Transferability
- 19.28.13 Amendments
- 19.28.14 Successive Applications

19.28.1 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Code when necessary to relieve peculiar and exceptional practical difficulties or exceptional and undue hardships resulting from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

19.28.2 Applicability

Variances may be granted for the following standards, but may not be granted to allow uses or activities that this Code does not authorize for a specific lot or size.

- A. Site or lot area, lot width, setback, height, building coverage, structure spacing, or dwelling size;
- B. Any of the off-street parking and loading standards in HMC Section 19.12.3, Parking and Loading and HMC Chapter 19.9, Use Regulations;
- C. Any of the landscaping and buffering standards, except the addition of nonfunctional turf in HMC Chapter 19.11, Landscaping Standards;
- D. Any of the performance standards of HMC Section 19.10.13, Operational Performance; and
- E. Any of the sign standards of HMC Chapter 19.13, Signs.

19.28.3 Review Authority

The Commission shall act as the review authority for variance applications based on consideration of the requirements of this Chapter.

19.28.4 Application Filing

Applications for a variance shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. In addition to any other application requirements, the application for a variance shall include evidence showing that the requested variance conforms to the required findings set forth in HMC Section 19.28.7, Required Findings.

19.28.5 Public Hearing Notice

Notice of public hearings on variances shall be posted and mailed in accordance with the requirements of HMC Subsection 19.19.5.D, Public Notice.

19.28.6 Review and Decision

An application for a variance shall require a public hearing before the Commission, pursuant to Subsection 19.19.5.E, Public Hearings.

- A. Within 50 days of receipt of a complete application, the Commission shall hold a public hearing on the proposed variance request.
- B. At the close of the public hearing, the Commission shall act to approve, approve with conditions, or deny the application, based on HMC Section 19.28.7, Required Findings.

19.28.7 Required Findings

The review authority must make all of the following findings in order to approve or conditionally approve a variance application. The review authority shall deny an application for a variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- A. Because of special circumstances or conditions applicable to the subject property, including narrowness, hollowness, shape, exceptional topography, or other extraordinary or exceptional situations or conditions, strict application of the requirements of this ordinance would result in peculiar and exceptional difficulties or undue hardships, not including financial or self-imposed hardships, for the property owner.
- B. The variance may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources, and without detriment or injury to property or improvements in the vicinity of the development site or to the public health, safety, or general welfare.
- C. Granting the variance is consistent with the purposes of this Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.
- D. Granting the variance will not allow a use that is otherwise prohibited in the underlying zoning district.

19.28.8 Notice of Decision

Within five days of the Director's decision on an adjustment, the Director shall mail the notice of decision to the applicant and all other parties who have made written request for notification.

19.28.9 Appeals

Variance decisions may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.28.10 Lapse of Approval

- A. A variance shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
 - 1. A building permit has been issued and construction diligently pursued.
 - 2. A certificate of occupancy has been issued.
 - 3. The structure is established.
 - 4. The variance is renewed.
- B. A variance shall lapse if the rights granted by it are discontinued for 180 consecutive days.

19.28.11 Extension of Time

The Director may renew or extend the time of a variance when the applicant demonstrates good cause for the extension. Any such administrative extension granted shall not exceed one year in length, and no more than one extension may be granted by the Director. Additional extensions of time may be approved by the Commission, whose decision may be appealed to the Council in accordance with the appeal procedures of HMC Section 19.19.6, Review and Decision.

19.28.12 Transferability

The status of a variance is not affected by changes of tenancy, ownership, or management.

19.28.13 Amendments

A request for changes in conditions of approval of a variance or a change to development plans that would affect a condition of approval shall be processed as a new application.

19.28.14 Successive Applications

Following denial of a variance request, no new application for the same or substantially the same matter shall be accepted within one year of the date of denial, unless denial is made without prejudice.

Chapter 19.29 Land Division Applications

Sections:

- 19.29.1 Purpose
- 19.29.2 Parcel Maps
- 19.29.3 Boundary Line Adjustments
- 19.29.4 Tentative Maps
- 19.29.5 Final Maps
- 19.29.6 Reversions to Acreage

19.29.1 Purpose

This Chapter provides administrative provisions for all land division applications, which include parcel maps, boundary line adjustments, tentative maps, final maps, and reversions to acreage.

19.29.2 Parcel Maps

- A. **Applicability.** Parcel maps shall be required for all nonexempt subdivisions consisting of four or fewer lots. The procedures of this Section shall apply to all parcel maps.
- B. **Application Filing.** Applications for a parcel map shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures.
- C. **Review and Decision.** The Director shall, within 45 days of a complete application, act to approve, approve with conditions, or deny the application. Failure to take action within 45 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.
- D. **Required Findings.** No parcel map shall be approved unless the Director, City Surveyor, and City Engineer find that the map complies with all applicable standards of this Code and NRS 278.
- E. **Civil Drawings.** Prior to submitting the parcel map or starting construction of any required improvements, civil drawings shall be submitted to the Public Works Director for review. Prior to submittal of the parcel map for City signatures, bonds, fees, and civil drawings must be approved and the applicant shall pay all required fees.
- F. **Recording; Lapse of Approval.** The applicant shall be responsible for recording approved parcel maps with the Clark County Recorder. If the approved parcel map is not recorded within one year of the date of approval of the parcel map, the parcel map shall lapse and be of no further effect.
- G. **Appeals.** Parcel map decisions may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.29.3 Boundary Line Adjustments

- A. **Applicability.** The procedures of this Section shall apply to all boundary line adjustments.
- B. **Application Filing.** Applications for a boundary line adjustment shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. Boundary line adjustments shall be accomplished through a record of survey pursuant to NRS 278.5692 and NRS 278.5693.

- C. **Review and Decision.** The Director shall, within 30 days of a complete application, act to approve, approve with conditions, or deny the application. Failure to take action within 30 days shall constitute approval of the application, unless the time frame is extended by mutual agreement.
- D. **Required Findings.** No boundary line adjustment shall be approved unless the Director and City Surveyor find that the proposed adjustment complies with all applicable standards of this Code, NRS 278, and the following:
 - 1. No additional lots shall be created;
 - 2. No parcel shall be created that is smaller than allowed by the underlying zoning district;
 - 3. No parcel shall be created that does not have paved road access; and
 - 4. The application shall comply with all other applicable requirements of this Code and all other applicable regulations.
- E. **Recording; Lapse of Approval.** The applicant shall be responsible for recording approved boundary line adjustments by record of survey with the Clark County Recorder. If the approved boundary line adjustment is not recorded within one year of the date of approval of the boundary line adjustment, the approval shall lapse and be of no further effect. A copy of the recorded record of survey must be returned to the City within 15 days of recording.
- F. **Appeals.** Boundary line adjustments decisions may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.29.4 Tentative Maps

- A. **Applicability.** Tentative maps shall be required for all nonexempt subdivisions consisting of five or more lots. The property included within the boundaries of the proposed tentative map shall coincide with platted lands or deed boundaries or must be platted prior to the recordation of the first final map.
 - 1. **Exception, Large Parcel Divisions.** Divisions of land where each proposed lot is at least 40 acres in area, including roads and easements, or one sixteenth of a section, as described by a government land office, but equal to or less than one section or 640 acres, may be processed in accordance with the large parcel division procedures of NRS 278.471 to 278.4725.
- B. **Application Filing.** Applications for a tentative map shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures.
- C. **Review and Decision.** The Commission shall, within 45 days of receipt of a complete application, act to approve, approve with conditions, or deny the application. If the Commission is taking final action on the application, it shall do so by an affirmative vote of a majority of all members, pursuant to NRS 278.349(4). If the tentative map application is heard by the Commission with another application requiring final action by Council, the Commission may take action by a majority vote of a quorum, and the Council vote shall be by a majority of all members.
- D. **Required Findings.** No tentative maps shall be approved unless the Commission finds that the proposed map considers and complies with all applicable standards of this Code and the following:
 - 1. Compliance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal, and, where applicable, individual systems for sewage disposal, pursuant to NRS.278.349;
 - 2. Availability of water that meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

3. Availability and accessibility of utilities;
4. Availability and accessibility of public services such as schools, police and fire protection and accessibility of water services, transportation, recreation facilities, and parks;
5. Consistency with the zoning district regulations;
6. Conformity with the Master Transportation Plan;
7. Effect of the proposed subdivision on existing public rights-of-way and the need for new streets or highways to serve the subdivision;
8. Effect of the proposed subdivision on existing trails network;
9. Physical land characteristics, such as floodplain, slope, soil, and elevation differentials with abutting properties;
10. Recommendations and comments of review authorities; and
11. The submission by the subdivider of an affidavit stating that the subdivider will make provisions for payment of the real property transfer tax imposed by NRS 375 and for compliance with the disclosure and recording requirements of Subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest pursuant to NRS 278.349(3)(k).

E. Lapse of Approval.

1. An approved tentative map shall lapse and be of no further force and effect four years after the date of tentative map approval by the Commission unless one of the following occurs:
 - a. A final map for the subdivision is recorded; or
 - b. The first of a series of final maps covering a portion of the approved tentative map is recorded. Subsequently, the subdivider shall record a series of final maps, each covering a portion of the approved tentative map, within successive two-year periods after the date of recordation of the latest final map in the series.
2. If the subdivider fails to record a final map for any portion of the tentative map within four years after the date of approval of the tentative map or within two years after the date of recordation of the most recently recorded final map, all proceedings concerning the subdivision are terminated.
3. The Commission may grant an extension of time of up to two years for the recordation of any final map in cases where the subdivider is presenting a series of successive final maps and the first map in the series has been previously recorded. If the subdivider is submitting final maps for a phased subdivision in a timely manner, no new requirements or conditions other than those imposed on each of the final maps in the series may be placed on the final map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws that affect the public health, safety or welfare.

F. Correction and Amendments of Tentative Maps. Tentative maps may be corrected and amended as follows.

1. ***Minor Changes.***
 - a. Minor changes in an approved tentative map may be approved by the Director and City Engineer upon application by the subdivider or on the City's initiative, provided that:
 - i. No residential lots, units or structures are added;

- ii. Changes are consistent with the intent of the original tentative map approval; and
 - iii. There are no resulting violations of the Municipal Code.
- 2. **Substantive Changes.** Amendments of the tentative map that in the opinion of the Director or City Engineer are not minor shall be referred to the Commission for a decision, subject to the procedures for processing a tentative map set forth in this Chapter.
- 3. **Effect of Administrative Amendments.** Any approved administrative amendment shall not alter the expiration date of the tentative map.
- G. **Appeals.** Tentative map decisions may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.29.5 Final Maps

- A. **Application Filing.** Applications for a final map shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures, within four years of the tentative map approval pursuant to NRS 278.360(1)(a). The proposed final map shall substantially comply with the finally approved tentative map pursuant to NRS 278.378(2), and all conditions must be met.
- B. **Review and Decision.** The Director shall act to approve, approve with conditions, or deny the application, based on whether the final map substantially complies with the approved tentative map and whether it complies with this Code and all other applicable regulations pursuant to NRS 278.380(1)(b). If the proposed final map does not substantially comply with the approved tentative map, the final map request shall be considered a new application.
- C. **Acceptance of Dedications.** In approving a final map, the Director and the City Engineer shall be authorized to accept or reject offers of dedications and to require improvements of streets and easements.
- D. **Civil Drawings Required.** Prior to submitting the parcel map or starting construction of any required improvements, civil drawings shall be submitted to the Public Works Director for review. Prior to submittal of the parcel map for City signatures, bonds, fees, and civil drawings must be approved and the applicant shall pay all required fees.
- E. **Certificates and Acknowledgments.** The certificates and acknowledgments required by the applicable provisions of NRS 278 and the City shall appear on a final map.
- F. **Recording; Lapse of Approval.** The applicant shall be responsible for recording the approved final map with the Clark County Recorder. If the approved final map is not recorded within one year of the date of approval of the final map, the approved final map shall lapse and be of no further effect.
- G. **Copy of Recorded Map to be Delivered to City.** Within 15 days of recordation of the final map, the subdivider shall submit the conformed copy of the recorded map, along with an application for street addressing, to the Community Development and Services Department for establishment of street addresses and storage in the City of Henderson record documents.
- H. **Effect of Approval.** Following approval of the final map by the Director, the subdivider may obtain a building permit for the subject property or transfer, sell, agree to sell, or negotiate to transfer or sell the subject lots.
- I. **Title to Dedicated Property.** Title to property accepted for dedication passes when the final map is recorded. If offers of dedication are rejected at the time of final map approval, offers of dedication shall be deemed to remain open. The Council may, by resolution at any later date and without further action

by the subdivider, rescind its action of nonacceptance and accept and open the streets for public use, which acceptance shall be recorded in the office of the Clark County Recorder and be so noted on the subdivision map by the Clark County Recorder.

19.29.6 Reversions to Acreage

- A. **Applicability.** The procedures of this Section shall apply to all requests for reversions (to acreage) of any subdivision map, parcel map, map of large parcel division, or any part thereof.
- B. **Mandatory Conference.** Prior to filing an application for a reversion to acreage, an applicant shall conduct a conference with the City Surveyor to ensure the City has full information on the proposal.
- C. **Application Filing.** Applications for a reversion to acreage shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures.
- D. **Review and Decision.** The Director shall, within 45 days of receipt of a complete application, act to approve or deny the application, based on whether it complies with the standards of this Code and NRS 278.490.
- E. **Merger and Resubdivision Maps.**
 - 1. In lieu of reverting pre-existing parcels to acreage in accordance with NRS 278.490, two or more contiguous parcels may be merged and resubdivided into new parcels or lots in accordance with the procedures of NRS 278.4925.
 - 2. Parcels or lots merged without reversion to acreage must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278 and any applicable local ordinances.
- F. **Recordation.** The applicant shall be responsible for recording the reversionary map with the Clark County Recorder. If the approved reversionary map is not recorded within one year of the date of approval of the reversion to acreage, the approval shall lapse and be of no further effect. The applicant shall return the recorded copy to the City within 15 days of recording.

Chapter 19.30 Administrative Adjustments

Sections:

- 19.30.1 Purpose
- 19.30.2 Review Authority
- 19.30.3 Application
- 19.30.4 Allowed Administrative Adjustments
- 19.30.5 Procedures
- 19.30.6 Required Findings
- 19.30.7 Notice of Decision
- 19.30.8 Appeals

19.30.1 Purpose

The purpose of this Chapter is to establish a means of granting administrative relief from locational, developmental, and operational standards where doing so would be consistent with this Code and the Henderson Strong Comprehensive Plan, and where it is not practical to approve a variance.

19.30.2 Review Authority

The Director shall act as the review authority for administrative adjustment applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to HMC Section 19.30.5, Procedures.

19.30.3 Application

Applications for an adjustment shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. In addition to any other application requirements, the application for an adjustment shall include evidence showing that the requested adjustment conforms to the required findings set forth in HMC Section 19.30.6, Required Findings. The applicant shall also submit plans delineating the requested adjustment.

19.30.4 Allowable Administrative Adjustments

Administrative adjustments are authorized as provided in Table 19.30.4-1, Allowable Administrative Adjustments.

TABLE 19.30.4-1, ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

Standard	Allowable Adjustment (%)	
	Within Downtown Districts ¹	All Other Districts
Any zoning district setback, lot size, lot width, or building coverage	20	10
Front setback for single-family attached residential	100	10
Max. building height	20	10

TABLE 19.30.4-1, ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

Standard	Allowable Adjustment (%)	
	Within Downtown Districts ¹	All Other Districts
Min. dwelling unit/garage size	10	5
Min. building spacing	10	5
Max. building size	20	10
Min./Max. number of off-street parking, loading, or stacking spacing	20	10
Required usable open space	20	10
Plant units	20	10
Min. connectivity index score	20	10
Notes:		
1 Less than a 10% adjustment is allowed administratively outside of Downtown Districts		

19.30.5 Procedures

- A. **Concurrent Processing.** If a request for an adjustment is being submitted in conjunction with an application for another entitlement, the adjustment will be reviewed and decided upon as part of the entitlement application.
- B. **Review and Decision.** Unless the Commission or Council is the review authority for another entitlement being processed concurrently with the adjustment, Director shall act to approve, approve with conditions, or deny the application based on the findings set forth in HMC Section 19.30.6, Required Findings.

19.30.6 Required Findings

The review authority must make all of the following findings in order to approve an adjustment application. The inability to make one or more of the findings is grounds for denial of an application. In accordance with NRS 278, an applicant for such an adjustment will be required to obtain written consent of any real property owner the Director determines will be affected by the requested adjustment.

- A. The requested adjustment is consistent with the stated purposes of this Code.
- B. The adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.
- C. The adjustment will not impair the purpose of the zoning district or any regulations adopted by the governing body pursuant to NRS 278.250.
- D. Any adverse impacts resulting from the adjustment will be mitigated to the maximum practical extent.
- E. The adjustment is of a technical nature (e.g., relief from a dimensional or design standard), and is either:
1. Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 2. Supporting an objective or goal from the purpose and intent statements of the zoning district where located; or

3. Proposed to protect sensitive natural resources or better integrate development with the desert environment.

19.30.7 Notice of Decision

Within five days of the Director's decision on an adjustment, the Director shall mail the notice of decision to the applicant and all other parties who have made written request for notification.

19.30.8 Appeals

Decisions on adjustments may be appealed as provided in HMC Section 19.19.6, Review and Decision.

Chapter 19.31 Distance Separation Analyses

Sections:

- 19.31.1 Purpose and Applicability
- 19.31.2 Application Filing
- 19.31.3 Community Development Review and Report
- 19.31.4 Notice of Decision
- 19.31.5 Lapse of Approval
- 19.31.6 Appeals

19.31.1 Purpose and Applicability

This Chapter provides administrative provisions for distance separation analyses. A distance separation analysis is utilized to measure the distances between a proposed use and a protected use, as defined by this Code. This analysis is used to determine if the proposed use meets the required distance separation from one or more protected uses and if waivers, if applicable, are needed for the proposed use to proceed. The distance separation analysis shall be completed by city staff.

19.31.2 Application Filing

Applications for distance separation analysis shall be submitted to the Director.

19.31.3 Community Development Review and Report

The Director shall review each proposed distance separation analysis application and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Director shall provide a final determination to the applicant.

19.31.4 Notice of Decision

Within seven working days of submittal of a complete application, the Director shall provide notice of the decision to the applicant and all other parties who have made a written request for notification.

19.31.5 Lapse of Approval

- A. A distance separation analysis determination for liquor, massage, reflexology, smoke/tobacco shop establishment, teenage dancehall, teenage nightclub, sexually-oriented business, check cashing/deferred deposit/high-interest loans/auto title loans, and general day care and group child care facility uses shall lapse 60 days from notice of decision.
- B. A distance separation analysis determination for marijuana establishment use shall lapse 120 days from notice of decision.

19.31.6 Appeals

Appeals of the Director's distance separation analysis determination shall be made to the Commission in accordance with the appeal procedures of HMC Section 19.19.6, Review and Decision.

Chapter 19.32 Temporary Use Permits

Sections:

- 19.32.1 Purpose
- 19.32.2 Review Authority
- 19.32.3 Application
- 19.32.4 Review and Decision
- 19.32.5 Required Findings
- 19.32.6 Conditions of Approval
- 19.32.7 Effective Date
- 19.32.8 Cleanup of Temporary Site
- 19.32.9 Time Limits
- 19.32.10 Appeals
- 19.32.11 Revocation

19.32.1 Purpose

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

19.32.2 Review Authority

The Director shall act as the review authority for temporary use permits based on consideration of the requirements of this Chapter.

19.32.3 Application

Applications for a temporary use permit shall be filed with the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures, at least 10 days before the use is intended to begin unless waived by the Director. In addition to any other application requirements, the application for a temporary use permit shall include evidence showing that the requested temporary use permit conforms to the required findings set forth in HMC Section 19.32.5, Required Findings.

19.32.4 Review and Decision

Within 10 days of receipt of a complete application, the Director shall act to approve, approve with conditions, or deny the application based on the findings set forth in HMC Section 19.32.5, Required Findings.

19.32.5 Required Findings

The Director must make both of the following findings in order to approve or conditionally approve a temporary use permit application. The inability to make one or more of the findings is grounds for denial of an application.

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the

health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

19.32.6 Conditions of Approval

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a temporary use permit listed in HMC Section 19.32.5, Required Findings, including, but not limited to:

- A. Provision for temporary parking facilities, including vehicle ingress and egress;
- B. Measures to prevent or reduce nuisance factors such as glare, excessive illumination, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
- C. Regulation of placement, height, size, and location of structures, facilities, landscaping and equipment, including provision for buffering and separation;
- D. Provision for sanitary facilities and for waste collection and disposal;
- E. Measures to promote safety and security;
- F. Regulation of signs and other attention-gaining devices;
- G. Regulation of operating hours and duration of the temporary commercial use;
- H. Regulation of the hours and duration of set-up and dismantling activities;
- I. Compliance with applicable provisions of the HMC; and
- J. Any other conditions that will ensure the operation of the proposed temporary use is conducted in an orderly, efficient manner, is not detrimental to the public health, safety, or general welfare of the community, and is in accordance with the intent and purpose of this Code.

19.32.7 Effective Date

An approved temporary use permit shall be effective on the date of its approval.

19.32.8 Cleanup of Temporary Site

The holder of a temporary use permit shall be responsible for leaving the property free of debris, litter, or other evidence of the temporary use immediately upon completion or removal of the use. If the holder of the temporary use permit is not the record owner of the property, the holder and the property owner(s) are jointly and severally responsible for compliance with this Section.

19.32.9 Time Limits

- A. **Time Limits.** Temporary use permits shall be valid for a specified period of time, not to exceed 30 days. Any temporary uses requested for periods of time exceeding 30 days or other time limit as specified for the specific temporary use as listed in HMC Chapter 19.9, Use Regulations, shall obtain a CUP in accordance with HMC Chapter 19.22, Conditional Use Permits.
- B. **Lapse of Approval.** A temporary use permit shall lapse if not used within the dates approved.

19.32.10 Appeals

A decision on a temporary use permit may be appealed as provided in HMC Section 19.19.6, Review and Decision.

19.32.11 Revocation

A temporary use permit may be revoked or modified by the Director, upon notice to the permit holder, if the Director finds that:

- A. The permit was obtained by misrepresentation or fraud;
- B. The activity is not in compliance with the permit or any condition of approval;
- C. The use to be allowed by means of the permit is conducted in violation of any applicable statute, ordinance, or regulation; or
- D. The permit is being employed to circumvent the limitations of this Code.

Chapter 19.33 Reasonable Accommodation

Sections:

- 19.33.1 Purpose
- 19.33.2 Applicability
- 19.33.3 Application Requirements
- 19.33.4 Review and Decision
- 19.33.5 Required Findings
- 19.33.6 Conditions of Approval
- 19.33.7 Appeals

19.33.1 Purpose

It is the policy of the City to provide individuals with disabilities reasonable accommodation in its rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to herein as the “Federal Acts.”) This Chapter provides a procedure for making requests for reasonable accommodations in land use and zoning policies, practices, and procedures of the City to comply fully with the intent and purpose of the Federal Acts. Nothing in this Chapter requires persons with disabilities or operators of Community Residences for persons with disabilities acting or operating in accordance with applicable zoning, licensing, or land use laws or practices to seek reasonable accommodation under this Chapter.

19.33.2 Applicability

A. Eligible Applicants.

1. A request for a reasonable accommodation to any provision of this Code or any related policy or practice may be made by any person with a disability, his or her representative (e.g. family member, care provider, etc.), or a provider of housing for persons with disabilities, when the application of such provision, policy or practice may act as a barrier to affording such person equal opportunity to use and enjoy a dwelling.
2. A person with a disability is a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. While a person recovering from substance abuse is considered a person with a disability, a person who is currently engaging in the current illegal use of controlled substances is not.
3. This Chapter is intended to apply to those persons who are defined as disabled or handicapped under the Federal Acts.

B. Eligible Requests.

1. A request for a reasonable accommodation may include a modification or exception to the provisions of this Code, or any policies, rules, standards and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory

barriers and provide a person with a disability equal opportunity to use and enjoy a dwelling of his or her choice.

2. The City will provide the assistance necessary to the applicant in making a request for a reasonable accommodation. A request by an applicant for reasonable accommodation may be made orally or in writing, although requests made in writing may be encouraged by city staff to avoid misunderstandings and maintain an accurate record of the request. The City shall assist the applicant by furnishing any information maintained by the City as a public record, such as city ordinances, policies, rules and regulations, necessary for processing the reasonable accommodation request.
3. Notice of the availability of a reasonable accommodation shall be prominently displayed at all public information counters in the City's Community Development and Services Department and City Clerk's Office. Forms for requesting reasonable accommodations shall be available to the public in the Community Development and Services Department or upon request.
4. If the information provided by the applicant includes medical information or records of the applicant, including records indicating medical condition, diagnosis, or medical history of the applicant, the City, to the extent permitted by law, shall treat such information as confidential information of the City. The City shall provide written notice to the applicant and any person designated by the applicant to represent the applicant in the application process, of any request received by the City for disclosure of the medical information or documentation which the applicant has provided to the City. The City will cooperate with the applicant, to the extent permitted by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

19.33.3 Application Requirements

- A. The Community Development and Services Department shall provide applicants for a reasonable accommodation with an application form eliciting the following information:
 1. The applicant's name, address and telephone number;
 2. The name, address, and telephone number of the property owner and the current address for which the request is being made;
 3. The current actual use of the property;
 4. The basis for the claim that the applicant is considered disabled under the Federal Acts or provides housing for persons considered disabled under the Federal Acts. Only that information necessary to evaluate the reasonable accommodation shall be requested. Medical records and detailed information regarding an individual's disability are usually not necessary for this inquiry. All information submitted in support of the basis of a claim of disability shall be retained in a manner so as to respect privacy rights of the applicant and shall not be made available for public inspection;
 5. The Code provision, regulation or policy from which reasonable accommodation is being requested; and
 6. An explanation why the reasonable accommodation is necessary to make specific property available for the individual.

- B. The Community Development and Services Department shall assist the applicant in completing the form, as necessary, or shall elicit oral information from the applicant necessary for the Department to complete the form. In the event the Department completes the form by eliciting oral information from the applicant, the Department shall read the completed form to the applicant to ensure its accuracy and shall provide a copy of the completed form to the applicant.
- C. A reasonable accommodation shall not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.

19.33.4 Review and Decision

- A. A request for a reasonable accommodation shall be reviewed, and a determination made, by the Director's designee.
- B. The Director's designee shall make a written determination within 30 days of the submittal of a complete application and either approve, approve with modifications, or disapprove a request for a reasonable accommodation in compliance with this Chapter.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Director of Community Development and Services may request further information from the applicant consistent with the Federal Acts, specifying in detail the information that is required. In the event that a request for further information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.
- D. The written determination on the request for a reasonable accommodation shall include the findings and any other relevant information upon which the decision is based. All written determinations shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process.

19.33.5 Required Findings

The written decision to approve or disapprove a request for a reasonable accommodation will be consistent with the Federal Acts and shall be based on consideration of all of the following factors:

- A. Whether the housing, which is the subject of the request, will be used by one or more individuals with a disability as defined under the Federal Acts;
- B. Whether the request for a reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Federal Acts;
- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City (this determination will be made on a case by case basis and will involve various factors);
- D. Whether the requested accommodation would fundamentally alter the nature of a City program or law, including but not limited to land use and zoning; and
- E. If the City determines that the applicant's request would impose an undue financial or administrative burden on the City, or fundamentally alter a city program or law, it may propose an alternative accommodation that would provide an equal benefit. In the event the City makes a determination not to accommodate an applicant's initial request, this determination shall be documented.

19.33.6 Conditions of Approval

A grant or grant with modifications of reasonable accommodation made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances, such as in the event that the disabled person vacates the subject property.

19.33.7 Appeals

Reasonable accommodation decisions may be appealed as provided in HMC Section 19.19.6, Review and Decision, however, the appeal period shall be extended to 20 days rather than nine days and the appeal may be heard by the Director.

Chapter 19.34 Landscape Maintenance Districts

Sections:

19.34.1 Purpose and Applicability

19.34.2 Application Filing

19.34.3 Public Hearing Notice

19.34.4 Review and Decision

19.34.5 Required Findings

19.34.6 District Coordination Team

19.34.7 Recording

19.34.8 Dissolution

19.34.1 Purpose and Applicability

This Chapter provides administrative provisions for landscape maintenance districts. Qualified persons under NRS 278.4787, as amended, may ask the City to create a landscape maintenance district for maintenance of landscaping, public lighting, and security walls.

19.34.2 Application Filing

Applications for landscape maintenance districts in a residential subdivision shall be submitted to the Director on the prescribed application forms in accordance with the procedures in HMC Chapter 19.19, Common Review Procedures. Applications to establish a landscape maintenance district in a new residential subdivision shall be filed at least 120 days before the approval of a final map for the land where improvements to be maintained are located.

19.34.3 Public Hearing Notice

Notice of public hearings on landscape maintenance districts shall be provided pursuant to HMC Subsection 19.19.5.D, Public Notice.

19.34.4 Review and Decision

- A. **Planning Commission Review and Recommendation.** The Commission shall hold a public hearing on the proposed landscape maintenance district and at the close of the public hearing recommend that the Council approve, approve with conditions, or deny the application, based on the required findings listed in HMC Section 19.34.5, Required Findings.
- B. **City Council Review and Decision.** After reviewing the recommendation of the Commission, the Council shall act to approve, approve with conditions, or deny the proposed landscape maintenance district based on the required findings listed in HMC Section 19.34.5, Required Findings. If the Council makes a determination that it is desirable to assume the maintenance of the proposed improvements, the Council shall form a landscape maintenance district by ordinance. The ordinance shall address the items enumerated in NRS 278.4787(4).

19.34.5 Required Findings

Landscape maintenance districts may be approved only if the Council makes all of the following findings:

- A. The petition for a landscape maintenance district meets the City design and construction standards and cost analysis parameters for landscape materials and maintenance.
- B. The maintenance of the proposed improvements on the subject property alone, or cumulatively with other maintenance districts in the City, will not create an unreasonable administrative or financial burden upon the City.
- C. Assumption of the maintenance of the proposed improvements or submitted plan is consistent with the City's accepted standards.
- D. The proposed landscaping, public lighting, or security wall plans are compatible with the character of the area in which they are located.
- E. If within a Master Plan Overlay District, the landscaped areas to be maintained constitute the only common element in the subdivision or development or the property was specifically approved for a Landscape Maintenance District through an annexation agreement or prior master plan approval.
- F. Maintenance of the proposed improvements will be in the best interest of the public and will not be injurious to the health, safety, and general welfare of the community.

19.34.6 District Coordination Team

A maintenance district coordination team shall be created to establish policies and procedures for implementing, operating, and fulfilling the City's obligations for any maintenance districts created pursuant to this Code. The coordination team shall be composed of representatives from Public Works, Parks and Recreation, Finance, City Attorney, Neighborhood Services, Utilities, and Community Development and Services.

19.34.7 Recording

The applicant shall be responsible for recording the approved ordinance with the Clark County Recorder.

19.34.8 Dissolution

- A. **Application Filing.** The dissolution of a landscape maintenance district shall be initiated with the submission of a formal request to dissolve the district filed in a landscape maintenance district application to the Director.
- B. **Review Authority.** Applications for the dissolution of a landscape maintenance district will be considered by the Council.
- C. **Notice.** Notice of public hearings on the dissolution of a landscape maintenance district shall be provided pursuant to HMC Subsection 19.19.5.D, Public Notice.
- D. **Required Findings.** A landscape maintenance district may be dissolved by the Council if it determines one or more of the following:
 - 1. Improvements within the district are no longer necessary; or
 - 2. It is no longer in the public interest for the City to assume the maintenance for the improvements; or
 - 3. An association for a common-interest community has been formed to maintain landscaping, public lighting, and security walls in lieu of a maintenance district under NRS 278.4787.

- E. **Appeals.** Appeals shall be made in accordance with HMC Section 19.19.6, Review and Decision.

Chapter 19.35 Enforcement

Sections:

- 19.35.1 Purpose
- 19.35.2 Violations
- 19.35.3 Responsibility for Enforcement
- 19.35.4 Complaints Regarding Approved Permits
- 19.35.5 Enforcement Procedures
- 19.35.6 Remedies and Enforcement Powers

19.35.1 Purpose

This Chapter establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Code.

19.35.2 Violations

- A. **Violation Defined.** Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.
1. ***Establish Use, Structure, or Sign Without Approval.*** To establish or place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.
 2. ***Development or Subdivision Without Approval.*** To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.
 3. ***Development, Subdivision, Use, or Sign Inconsistent with Approval.*** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any approval required in order to engage in such activity.
 4. ***Development, Subdivision, Use, or Sign Inconsistent with Conditions of Approval.*** To violate, by act or omission, any term, condition or qualification placed by the review authority upon any approval.
 5. ***Development, Subdivision, or Sign Inconsistent with Development Code.*** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this Code.
 6. ***Making Lots or Setbacks Nonconforming.*** To reduce or diminish any lot area so that the lot size, setbacks, or common open spaces shall be smaller than prescribed by this Code.
 7. ***Increasing Intensity or Density of Use.*** To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.

8. ***Removing or Defacing Required Notice.*** To remove, deface, obscure, or otherwise interfere with any notice required by this Code.
 9. ***Failure to Remove Signs.*** To fail to remove any sign installed, created, erected, or maintained in violation of this Code or for which the sign permit has lapsed.
 10. ***Other Violations of Code.*** Any other action or inaction contrary to requirements of this Code.
- B. **Continuing Violations.** After receiving notice of the violation from the City, each day that a violation remains uncorrected after any applicable cure period may constitute a separate violation of this Code.
- C. **Responsible Persons.** Any person who violates this Code shall be subject to the remedies and penalties set forth in this Chapter. In addition, where the person violating this Code is not the owner of the property that is the subject of the violation, the property owner and the subject property shall also be subject to the remedies and penalties set forth in this Chapter.

19.35.3 Responsibility for Enforcement

- A. **Building Official.** The Building Official shall have primary responsibility for enforcing provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any building or structure.
- B. **Public Works Director.** The Public Works Director shall have primary responsibility for enforcing provisions of this Code related to subdivision and land development, including all standards in HMC Chapter 19.14, Subdivision Design and Improvements.
- C. **Community Development and Services Director.** The Director shall have primary responsibility for enforcing all other provisions of this Code not listed in HMC Subsections 19.35.3.A or 19.35.3.B above. The Director and his or her designee(s), referred to herein as “code enforcement official(s)” or “code official(s)”, have the authority to determine whether a violation of this Code exists and to take appropriate action to gain compliance with this Code. This authority includes the power to issue notices, orders, administrative and misdemeanor citations and fines, the power to inspect public and private property and to abate violations, and the power to use any other remedies available under this Code, other provisions of the Henderson Municipal Code, and Nevada law.

19.35.4 Complaints Regarding Certain Approved Applications

CUPs, temporary use permits, variances, and home occupations may be subject to immediate review upon complaint from any member of the public, whether received from a nearby property owner or other members of the general public, or city enforcement personnel. Upon initiation of this review, the following process shall be followed:

- A. The Director or code official shall notify the property owner and the holder of any relevant approval of each complaint.
- B. The property owner shall:
1. Propose and initiate a remedy, or
 2. Dispute the validity of the complaint.
- C. If the Director or code official determines the complaint is not valid, the complaint shall be dismissed. A notice of dismissal shall be sent to the complainant, the property owner, and the holder of any relevant approval.
- D. If the Director or code official determines the complaint is valid, the Director or code official shall monitor the effectiveness of the initiated remedy, if any is proposed and initiated by the property owner or

approval holder. If the proposed and initiated remedy resolves the complaint, no further action shall be required.

1. If no remedy is proposed and initiated or if the remedy is ineffective and the Director or code official determines there is a violation of this Code, the Director or code official shall initiate enforcement procedures in accordance with this Chapter.

19.35.5 Enforcement Procedures

- A. **Non-Emergency Matters.** In the case of a violation of this Code that does not constitute an emergency, does not require immediate attention, or is not subject to a different enforcement procedure or penalty set forth in this Chapter or other applicable Chapter of HMC Title 19, the official responsible for enforcement shall give written notice of the nature of the violation to the property owner, tenant, occupant, other person who is a party to the relevant agreement or to any applicant for any relevant approval in the manner hereafter stated, after which the persons receiving notice shall have 10 days to correct the violation, unless another time period is prescribed in the notice, before further enforcement action shall be taken.. Notice shall be given by personal service, by United States certified mail or by posting notice on the premises. Notices of violation shall state the nature of the violation, the time period for compliance, the corrective steps necessary, as applicable, and the nature of subsequent penalties and enforcement actions should the violation not be corrected.
- B. **Emergency Matters and Other Matters Requiring Immediate Attention.** In the case of violations of this Code that constitute an emergency as a result of safety or public health concerns, or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this Chapter without prior notice, but the official responsible for enforcement shall attempt to give notice simultaneously with beginning enforcement action. Notice shall be provided to the property owner and may also be provided to any, tenant, occupant, other person who is a party to a relevant agreement, or to applicants for any relevant approval.
- C. **Enforcement Process for Short-Term Vacation Rentals.** This Section shall apply only to properties being operated as short-term vacation rentals as defined in HMC Section 19.37.1, Definitions. The City officials responsible for enforcement of this Section shall be referred to herein as “enforcement official(s)”.
 1. ***Unregistered Properties.***
 - a. Subpoena
 - i. The Director is authorized to issue a subpoena for the production of documents, records or materials relevant to determining whether a residential unit or room within a residential unit has been rented in violation of this Code, any other provision of the Henderson Municipal Code, or any law of the State of Nevada. The subpoena may be issued only if:
 - (a) There is evidence to support a reasonable belief that a residential unit or room within a residential unit has been rented or is being rented in violation of this Code, the Henderson Municipal Code, or any law of the State of Nevada;
 - (b) The subpoena identifies the rental alleged to be in violation of this Code, any other provision of the Henderson Municipal Code, or any law of the State of Nevada, and the provision of State law or City ordinance allegedly violated.

- ii. A subpoena issued by the Director must be mailed by regular and certified mail to the accommodations facilitator or, if applicable, the owner or lessee who was required to file a quarterly report pursuant to Section 19.9.4.F.2.z.iii.
 - iii. An accommodations facilitator issued a subpoena shall provide notice of the subpoena to the user of the accommodations facilitator who provided the rental identified in the subpoena and shall produce any subpoenaed books, papers or documents not later than 21 days after providing the notice required by this paragraph unless otherwise ordered by a court.
 - iv. An owner or lessee issued a subpoena shall produce any subpoenaed books, papers or documents not later than 21 days after the issuance of the subpoena, unless otherwise ordered by a court.
 - v. If a person to whom a subpoena has been issued refuses to produce any document, record or material that the subpoena requires, the City Attorney may apply to the district court for the enforcement of the subpoena in the matter provided by law for the enforcement of a subpoena in a civil action.
 - b. Where a property is being operated as a short-term vacation rental without the required registration pursuant to HMC Section 19.9.4.F, the enforcement official shall issue a written notice and order to cease operation to the property owner, via personal service or certified mail sent to the owner's mailing address as listed in the records of the Clark County Assessor's Office. If the owner's mailing address is different from the property address, the notice shall also be delivered to the subject property address via personal service, certified mail, or posting on the premises.
 - c. The notice shall order the property to immediately cease operating as a short-term vacation rental. If the property is in a zoning district where short-term vacation rentals are permitted pursuant to HMC Subsection 19.9.4.F, the notice and order shall inform the property owner that operation of the short-term vacation rental may not resume until registration with the City is completed and approved. If the property is in a zoning district where short-term vacation rentals are not permitted by this Code or in a PC-zoned district where short-term vacation rentals are not permitted, the notice and order shall include a statement of that prohibition.
 - d. Concurrently with the notice and order, the enforcement official shall issue an administrative citation to the property owner. The citation shall assess a corresponding daily fine for each day the property continues to operate in violation of HMC Subsection 19.9.4.F, according to the fine and fee schedule set forth in HMC Subsection 19.9.4.F.3.
 - e. The City Attorney may also petition a court of competent jurisdiction for injunctive relief or any other appropriate remedy to prevent the continued unapproved operation of the short-term vacation rental.
 - f. Administrative citations and accompanying fines issued to unregistered properties may be appealed pursuant to the provisions of HMC Subsection 19.9.4.F.2.a.
2. ***Other Violations.*** All notices and administrative citations to be issued under HMC Section 19.35.2 shall be in writing and delivered to both the property owner and the subject property address, if the subject property address is different from the owner's mailing address as provided by the owner on its registration application or most recent annual renewal. Delivery shall be made via personal service or certified mail to the address provided by the owner in the owner's registration application or most recent annual renewal, or, if the owner has consented

in writing to receive notifications under these sections by email, to the email address provided by the owner in its registration application or most recent annual renewal. If applicable, delivery to the subject property address shall be made via personal service, certified mail or by posting on the premises. The date of delivery of the notice shall be the date of mailing, emailing or posting, as applicable. Where an accommodations facilitator has violated a provision of Section 19.9.4.F., a written notice and/or administrative citation shall be delivered to the accommodations facilitator via certified mail.

a. *Violation Notices and Citations.*

- i. Where a property is in violation of any of the provisions of HMC Section 19.35.2 other than the failure to complete registration, the enforcement official may issue a written notice of violation. The notice shall clearly state the nature of the violation, the required action to correct the violation, and the time period in which the violation must be corrected.
- ii. Pursuant to HMC Section 19.35.3, the City may take immediate action when necessary to address emergencies or other urgent complaints regarding a property operating as short-term vacation rental, without first issuing a notice under this Section.
- iii. In the following instances, the enforcement official may issue an administrative citation in addition to, or, where applicable, in lieu of a notice of violation:
 - (a) A violation has not been cured by the deadline stated a notice of violation;
 - (b) The City is required to take immediate action to address complaints regarding a short-term vacation rental and incurs costs as a result; or
 - (c) A registered short-term vacation rental violates any provision of HMC Subsection 19.9.4.F.

The citation shall assess a corresponding daily fine for each day the violation continues according to the fine and fee schedule set forth in HMC Subsection 19.9.4.F.3. If the violation was corrected by the City, the citation may include any applicable fees and costs incurred by the City. The citation shall enclose a copy of the initial violation notice, if applicable, or shall state the nature of the violation and the required action to correct the violation.

b. *Appeals.*

- i. Property owners or other persons issued an administrative citation may appeal the citation, fine and/or fee by submitting a written request for an administrative hearing to the Director.
- ii. The request for hearing must 1) identify the enforcement action that the person is contesting, 2) set forth the facts supporting the appeal, 3) identify the requested relief, and 4) be delivered to and received by the Director, (i) personally, or (ii) by first-class mail and email with confirmed receipt no later than the 10th day following the date of the administrative citation. A timely request for hearing shall toll the deadline for compliance, accrual of fines, and

payment of fines and fees. An untimely request for hearing shall not be considered and instead shall be dismissed.

- iii. The Director or his or her designee shall set a hearing and shall issue notice of the hearing date no later than 10 days prior to the date set for the hearing, unless a shorter time period is agreed to in writing by the appellant. The notice shall state the date, time and location of the hearing, and shall include a short explanation of the hearing process.
- iv. The Director or his or her designee shall conduct and preside over the hearing. At the hearing, that person, referred to herein as the “presiding officer”, shall direct the order of the proceedings and shall hear all evidence presented relevant to the subject violation(s), fines and/or fees. This may include the presentation of written evidence as well as testimony by City employees, the property owner or other cited person, and any witnesses called by the City, the property owner, or other cited person. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if they are provided to the other party no later than five days prior to the hearing date.

The hearing shall be conducted informally and shall not be constrained by evidentiary or procedural rules applicable to public hearings or judicial proceedings. The hearing shall provide a fair opportunity for the City and the property owner or other cited person to present evidence regarding the subject violation and the issuance of the subject citation, fines and/or fees. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, to limit the time of the hearing to a reasonable length, to limit the presentation of immaterial or unduly repetitious evidence, and to record the hearing.

- v. After the conclusion of the hearing, the presiding officer shall consider all evidence presented and shall issue a decision to uphold, reverse, or modify the disputed enforcement action. Written notice of the decision shall be issued no later than 30 days following the conclusion of the hearing. The decision shall clearly state one of the following:
 - (a) That the administrative citation(s), fine(s) and/or fee(s) are upheld, including a short statement of findings explaining the basis for the decision, and providing a deadline for curing the subject violation(s) and payment of any fines and fees, with a notification that fines will resume accruing daily until the subject violation(s) is corrected;
 - (b) That the administrative citation(s), fine(s), and/or fee(s) are reversed, including a short statement of findings explaining the basis for the decision; or
 - (c) That the administrative citation(s), fine(s), and/or fee(s) are modified, including a short statement of findings explaining the basis for the decision, and providing a deadline for any modified compliance obligations and payment of fines and/or fees, with a notification that

finest will resume accruing daily until the subject violation(s) is corrected, if applicable.

- vi. The presiding officer's decision shall be the final administrative action on the appeal.

c. *Delinquent Transient Lodging Tax.*

Where any approved short-term vacation rental is deemed significantly delinquent on the payment of transient lodging tax more than two times in any 12-month period pursuant to HMC Section 4.48.062 and the property owner or accommodations facilitator, as applicable, fails to remit the funds as required by that Section, the short-term vacation rental registration shall be automatically suspended upon written notice from the Director or his or her designee to the owner and any accommodations facilitator for the short-term vacation rental, and operation of the short-term vacation rental must cease until such time as all outstanding transient lodging taxes and penalties are paid pursuant to HMC Sections 4.48.020 and 4.48.110 and the requirements of HMC Section 4.48.062 have been satisfied. If the property owner fails to comply with any provision of this Section, the enforcement official may issue an administrative citation and fine in compliance with the procedures set forth in HMC Sections 19.35.2 and 19.35.5.

d. *Termination of Registration.* Where any of the following has occurred, the enforcement official shall initiate the process to terminate the registration of the short-term vacation rental:

- i. The approved short-term vacation rental has been the subject of two or more distinct Level I violations as provided in HMC Subsection 19.35.5.C.3 in any consecutive 12-month period, or three or more distinct Level II violations as provided in HMC Subsection 19.35.5.C.3 in any consecutive 12-month period.
- ii. The approved short-term vacation rental has been the subject of three or more distinct violations of HMC Chapter 15.12 or other applicable laws or regulations related to the prevention of nuisance in any consecutive 12-month period.
- iii. The short-term vacation rental registration application or supporting information supplied by the owner contains false, misleading or erroneous statements concerning issues material to the approval of the application.
- iv. The property has accumulated \$3,000 or more in outstanding and past due fines for violations of the provisions of HMC Section 19.35.5.C.3 of this Code.

For the purposes of this Subsection, "distinct" violation shall mean a violation of a distinct provision of HMC Section 19.35.5.C.3 or a repeated violation of the same provision separated in time rather than continuing daily.

e. The termination process shall be initiated by service of a written notice stating that the registration will automatically terminate if the property owner does not request an administrative hearing to contest the termination within 10 days of the date of the notice. Only the property owner shall have standing to request a hearing to contest a termination of registration.

f. The property owner's request for an administrative hearing to contest a termination of registration shall be made in writing and shall set forth in detail the facts supporting the request. The request for hearing must be delivered (i) personally, or (ii) by first-

class mail and email with confirmed receipt to the Director and must be received no later than the 10th day following the date of the notice of initiation of the termination process. A timely request for an administrative hearing shall stay the termination date pending the outcome of the administrative hearing.

- g. If a timely request for administrative hearing is not received, the registration shall terminate, and the Director shall issue a written notice of termination and order to cease operation of the short-term vacation rental. The notice and order shall indicate any further action the City may take to enforce the termination if necessary. A written notice of termination may be appealed to the Council by submitting a written request for an appeal to the Director within 9 days of the notice and order pursuant to HMC Section 19.19.6. The property shall not operate as a short-term vacation rental during the period pending any Council appeal hearing. Short-term vacation rentals operated during this period shall be subject to administrative fines for operation without a registration.
- h. If an administrative hearing request is timely made, the Director or his or her designee shall set an administrative hearing for a date no later than 30 days following receipt of the request for hearing. The notice shall state the date, time and location of the hearing, shall include a short explanation of the hearing process, and shall be served no later than 10 days prior to the date set for the administrative hearing unless a shorter time period is agreed to in writing by the property owner.

i. *Administrative Hearing: Termination of Registration.*

- i. The Director or his or her designee shall conduct and preside over the hearing.
- ii. At the hearing, the Director or his or her designee, referred to herein as the “presiding officer”, shall direct the order of the proceedings and shall hear all evidence presented relevant to the basis for the termination of registration. This may include the presentation of written evidence as well as testimony by City employees, the property owner and any witnesses called by the City or the property owner. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if they are provided to the other party no later than five days prior to the hearing date.

The hearing shall be conducted informally, shall not be constrained by evidentiary or procedural rules applicable to public hearings or judicial proceedings and shall provide a fair opportunity for the City and the property owner to present evidence regarding the basis for terminating the short-term vacation rental. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, to limit the time of the hearing to a reasonable length, to limit the presentation of immaterial or unduly repetitious evidence, and to record the hearing.

- iii. After the conclusion of the hearing, the presiding officer shall consider all evidence presented and shall issue a decision to 1) terminate of the registration, 2) allow the registration to continue, or 3) allow the registration to continue upon the completion of certain conditions. The decision shall be made in writing, shall clearly state the basis for the decision and any applicable deadlines for compliance with the decision, and shall be served no later than 30 days following the conclusion of the hearing. If the decision results in the termination of registration, it shall provide an effective date of

termination and include an order to cease operation of the short-term vacation rental as of the effective date.

- iv. The decision of the presiding officer may be appealed to the Council by submitting a written request for an appeal to the Director within 9 days of the date of the notice of termination, pursuant to HMC Section 19.19.6. If the presiding officer terminates a short-term vacation rental registration, the property shall not operate as a short-term vacation rental during the period pending any Council appeal hearing. Short-term rentals operated during this period shall be subject to administrative fines for operation without a registration.
- v. If a short-term vacation rental registration is terminated, the subject property may not be used for a short-term vacation rental for a period of two years following the date of termination. This two-year prohibition shall not apply to a property whose registration is automatically terminated following a change in ownership pursuant to HMC Subsection 19.9.4.F. At the time of new registration for short-term vacation rental use, registration will require compliance with all rules, regulations, and laws then in effect.

3. ***Fine and Fee Schedule.***

a. ***Fines.***

- i. Operation of a short-term vacation rental without registration, or operation after registration is suspended or terminated, prior to July 1, 2022: \$500 per day for each day the violation continues. On or after July 1, 2022: a minimum of \$1,000 per day and a maximum of \$2,500 per day for each day the violation continues. In determining the fines to issue for this violation, the enforcement official shall consider: 1) the severity of the violation and any resultant detrimental impacts to the neighboring properties; 2) whether the person who committed the violation acted in good faith; and 3) any history of previous violations of HMC Subsection 19.9.4.F by the owner of the property.
- ii. Level I Violation. Violation of any provision in HMC Subsections 19.9.4.F.2.h, 19.9.4.F.2.j, 19.9.4.F.2.t, and 19.9.4.F.2.w, prior to July 1, 2022: \$500 per day for each day the violation continues. On or after July 1, 2022: \$1,000 per day for each day the violation continues.
- iii. Level II Violation. All other violations of HMC Subsection 19.9.4.F: \$200 per day for the first violation, \$400 per day for the second violation and \$500 per day for the third violation.

Each provision of HMC Subsection 19.9.4.F that is not complied with shall constitute a separate violation subject to a separate fine, and fines may be assessed cumulatively in the same citation.

b. ***Fees.***

- i. Re-inspection fee: \$150.

c. ***Collection.***

- i. If administrative fines, fees or actual expenses incurred by the City in addressing a violation are not paid by the deadlines stated in any decision of the presiding officer, or, if not appealed, by the deadline stated in the applicable notice, the unpaid amounts are deemed to be immediately due and owed to the City by the property owner.
- ii. The City may take any lawful collection action deemed necessary and appropriate to recover the amounts owed, including but not limited to the City Attorney filing a petition in a court of competent jurisdiction for the entry of a civil judgment against the property owner in an amount equal to the unpaid fine and/or fee amounts owed, or referral of the unpaid amounts to a collection agency for recovery. In addition to the fines assessed pursuant to this chapter, the property owner shall be liable for an additional collection fee where the collection of the fines provided for herein is referred for collection. The amount of such fee shall be 25 percent of the outstanding indebtedness or \$250, whichever is less. The amount of any such collection fee shall accrue and become due and payable at the time the indebtedness is referred for collection to the collection agency, and that amount may be added by the collection agency to the amount sought to be collected. Any judgment or amended judgment entered under this chapter may include the amount of the collection fee authorized herein.
- iii. Pursuant to this Section, violations of HMC Subsection 19.9.4.F are deemed to be nuisance violations, and the City may therefore elect to make unpaid fines, fees and costs a special assessment against the subject property in accordance with the requirements and limitations of NRS 268.4122. Pursuant to the provisions of NRS 5.050, the City Attorney may file an action in Henderson Municipal Court for the collection of unpaid fines, fees, costs and assessment amounts and/or to foreclose liens in the name of the City for the nonpayment of those assessments.
- d. *Other Remedies.* Nothing in this Section shall be deemed to limit the City's right to exercise any other enforcement options and remedies authorized by NRS, HMC Title 15 or the general remedies and enforcement powers under any section of HMC Title 19, including but not limited to the imposition of criminal penalties. Pursuant to NRS 5.050, the City may file an action in Henderson Municipal Court for the prevention or abatement of any nuisance caused by a short-term vacation rental.

19.35.6 Remedies and Enforcement Powers

The City shall have the following remedies and enforcement powers, which are cumulative and may be exercised by the City in any order or combination, at any time, in addition to any remedies and enforcement powers prescribed by applicable law.

A. Withhold Permit.

- 1. The City may deny or withhold any approval, building permit, or any other right granted under the City's municipal code on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Code or of a condition or qualification of an approval previously granted by the City on the subject land, structure or improvements. This

enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. The City may deny or withhold any approval, building permit, or any other right granted under the City's municipal code on any land, structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Code or of a condition or qualification of an approval previously granted by the City. This provision shall apply regardless of whether the property for which the approval is sought is the property in violation.
- B. **Permits Approved with Conditions.** Instead of withholding or denying an approval, the City may grant such authorization subject to the condition that the violation be corrected.
- C. **Revoke Permits.** Any development permit or other form of authorization required under this Code may be revoked as follows.
1. **Applicability.** This Section shall apply to the process of revocation for any approval granted under this Code other than an approved short-term vacation rental registration, which shall be governed by HMC Subsection 19.35.5.C.
 2. **Duties of Enforcement Official.** The revocation process shall be initiated by the official responsible for enforcement of the subject provision upon a determination by that official that there are reasonable grounds for revocation of the subject approval. Absent emergency or other exceptional circumstances, the revocation process shall not be initiated prior to attempting to remedy any violations through the other enforcement powers provided in this Subsection.
 3. **Authority to Revoke.** The review authority that granted the approval shall be authorized to revoke the approval.
 4. **Notices and Hearing.** A proposed revocation shall be subject to the same notice and hearing requirements as the subject approval.
 - a. **Matters Not Subject to Public Notice.** If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be mailed to the property owner and approval holder at least 10 days prior to the hearing.
 - b. **Matters Not Subject to Public Hearing.** Within three working days of a decision on a revocation matter that is not the subject of a public hearing, the review authority shall mail notice of the decision to the property owner and approval holder and to any other person who has filed a written request for such notice.
 5. **Required Findings.** The review authority shall revoke the approval upon making one or more of the following findings:
 - a. The approval was issued on the basis of false, erroneous or misleading information or misrepresentation.
 - b. The terms or conditions of approval have been violated, the required plans, conditions or specifications have not been followed, or other laws or regulations, including the provisions of this Code, or other laws or regulations have been violated.
 - c. There has been a discontinuance of the exercise of the entitlement granted by the approval for 180 consecutive days and no extension of time has been granted.

6. **Effective Date.** A decision to revoke an approval shall become final 10 days after the date of the decision unless an appeal is filed in accordance with the procedures set forth in HMC Section 19.19.6, Review and Decision.
7. **Appeals.** Any revocation decision may be appealed pursuant to HMC Section 19.19.6, Review and Decision.
- D. **Stop Work.** With or without revoking an approval or building permit, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of an approval issued hereunder or a building permit, in accordance with its power to stop work under the City's building code.
- E. **Injunctive Relief.** The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of an approval granted hereunder.
- F. **Abatement.** The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation. In appropriate circumstances, the City may perform an administrative abatement pursuant to HMC Section 15.12.060.
- G. **Penalties.** Any violation of the provisions of this Code constitutes a misdemeanor and is subject to the punishment provided by law in such cases, as amended from time to time. The City may also seek such civil penalties as are provided by applicable law, including, but not limited to the provisions of HMC Title 1 and HMC Section 15.12.060.
- H. **Other Remedies.** The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Code provisions.
- I. **Other Powers.** In addition to the enforcement powers specified in this Chapter, the City may exercise any and all enforcement powers granted by applicable law.
- J. **Continuation.** Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and applicable laws.

Part V – Interpretations and Definitions

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Chapter 19.36 Interpretation of the Development Code

Sections:

19.36.1 Rules of Interpretation

19.36.2 Rules of Measurement

19.36.1 Rules of Interpretation

- A. **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent established in HMC Section 19.1.5, Purpose and Intent.
- B. **Headings, Illustrations, and Text.** If there is a conflict between the text of this Code and any heading, drawing, table, figure, commentary block, or illustration, the text shall control.
- C. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as “including” and “such as,” or similar language, are intended to provide examples, not be exhaustive of all possibilities.
- D. **Computation of Time.** References to days are calendar days unless otherwise stated. When business days are referenced, they shall include only days when City Hall is open. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a holiday observed by the City or a City Hall non-business day, that day shall be excluded.
- E. **References to Other Regulations, Publications, and Documents.** Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
- F. **Delegation of Authority.** Whenever a provision requires the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to other City staff.
- G. **Technical and Non-Technical Terms.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- H. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City, unless otherwise indicated.
- I. **Mandatory and Discretionary Terms.** The words “shall,” “will,” and “must” are mandatory. The words “may” and “should” are advisory and discretionary.
- J. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events apply.
 - 2. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.
- K. **Tenses and Plurals.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

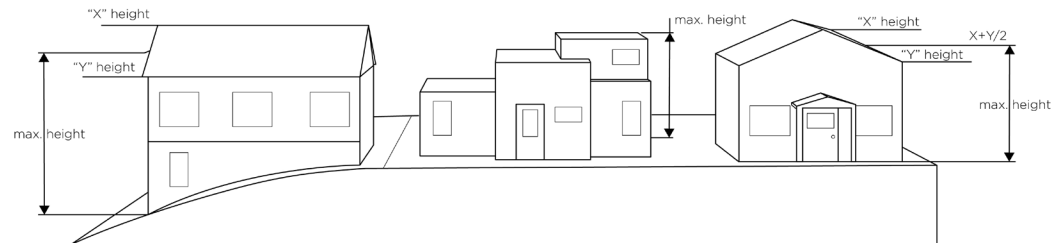
- L. **Term Not Defined.** In the event there is a term used in this Code that is not defined in HMC Chapter 19.37, Definitions of Terms, the Director has the authority to provide a definition through the procedure established in HMC Section 19.18.5.

19.36.2 Rules of Measurement

- A. **Density/Intensity.**
1. ***Acre, Gross.*** Means a measure of land area (43,560 square feet). For purposes of calculating residential density or intensity of development, existing dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries, shall be included.
 2. ***Density.*** Means the number of dwelling units for each acre of land. Density is calculated by dividing the number of dwelling units on a site by the gross acreage of the site on which the dwelling units are located. For purposes of calculating residential density, dedicated rights-of-way within a site, and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries, shall be included.
 3. ***Transition Density Housing.*** Dwellings in developments or subdivisions at densities greater than six units per acre, but not more than 10 units per acre.
- B. **Bulk.**
1. ***Floor Area, Gross (GFA).*** The total enclosed area of all floors of the principal building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, basement or attic areas having a height of more than seven feet. For the purpose of calculating GFA for all residential dwelling units, outdoor roof deck or balcony areas or areas covered by a patio cover or similar structure, when enclosed on all sides by a parapet, solid railing or building wall greater than three feet six inches (3'6") in height, shall be included. Accessory buildings and structures and areas used exclusively for vehicle parking or loading, areas with partially covered (e.g., lattice-type) roofs, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures, shall be excluded.
 2. ***Floor Area Ratio (FAR).*** The amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.
- C. **Height.** The vertical distance in feet between the lowest finished grade adjacent to the building to the top of the structure, parapet or sloped roof.
1. ***Exceptions to Height Limits.*** Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, open/unenclosed trellises, radio and television antennas, and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, and similar structures may exceed the maximum allowed height in the district in which the site is located in compliance with the following:
 - a. Encroachments of up to 10 feet may be authorized with no discretionary review.
 - b. Design review is required for features extending more than 10 feet but less than 20 feet above the base district height limit.

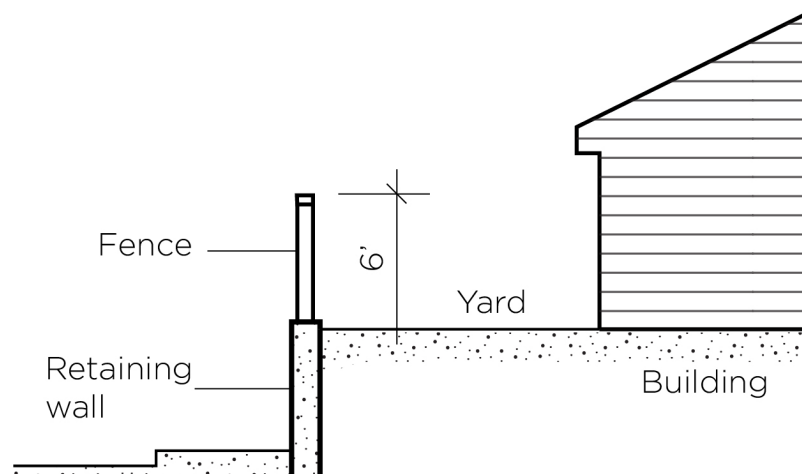
- c. Encroachments of 20 feet or more above the maximum height for a district require a CUP.
 - d. This Section does not apply to Telecommunication Facilities.
2. **Grade, Finished.** The final elevation of the ground level after topsoil has been applied to graded slopes, as measured no more than five feet from the exterior walls of the structure. For buildings with basements with direct, walk-out access, finished grade means the grade level at the walk-out access of the basement. See Figure 19.36.2-A.

FIGURE 19.36.2-A, MEASUREMENT OF HEIGHT



- 3. **Grade, Existing.** The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this Code.
- 4. **Grade, Street.** The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.
- 5. **Height, Clear Area.** The height as measured from the floor area to underside of the ceiling. Also, floor-to-ceiling height.
- 6. **Height, Fence or Wall.** The height of fences or walls shall be measured from finished grade on the highest side of the fence or wall to the top of the fence or wall at any given point along the fence or wall. See Figure 19.36.2-B.

FIGURE 19.36.2-B, MEASUREMENT OF FENCE HEIGHT

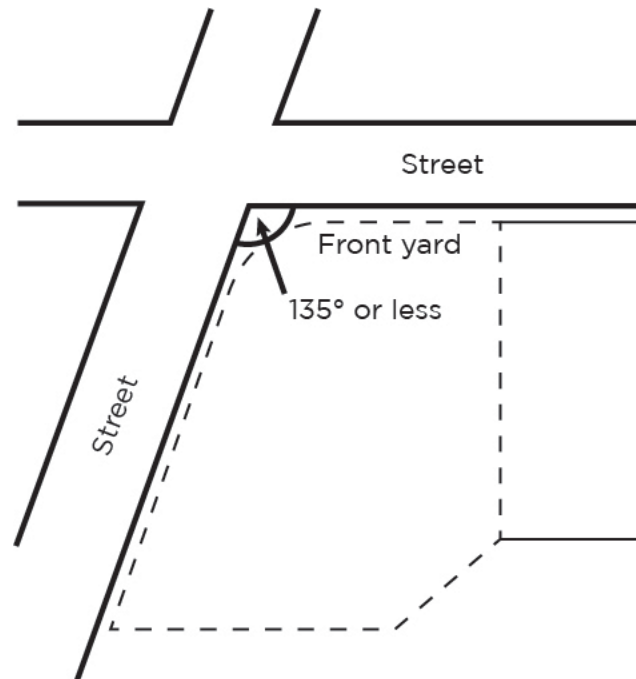


- 7. **Height, Tower.** The distance measured from the finished grade of the lot to the highest point on the tower or other structure, including the base pad and any antenna.

D. **Lot Characteristics.**

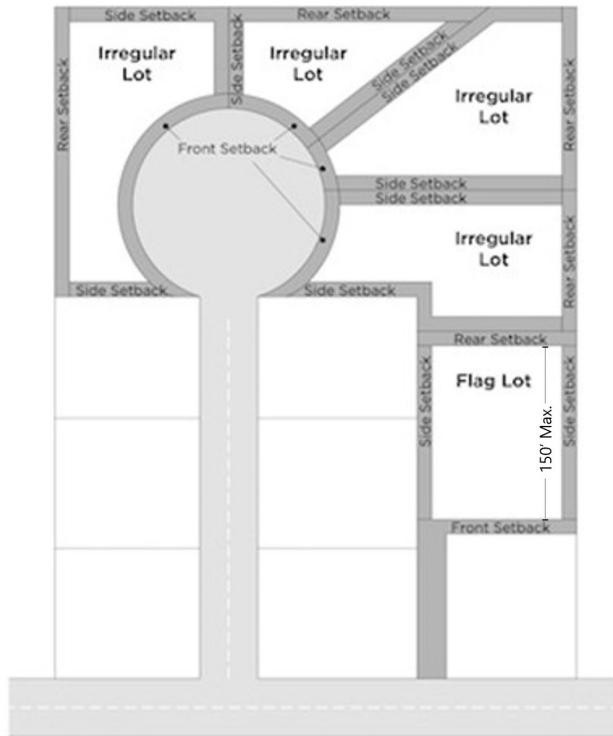
1. **Corner Lots.** A site bounded by two or more adjacent street lines that have an angle of intersection of less than 135 degrees. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Director shall determine the location of the front yard. See Figure 19.36.2-C, Corner Lot.

FIGURE 19.36.2-C, CORNER LOT



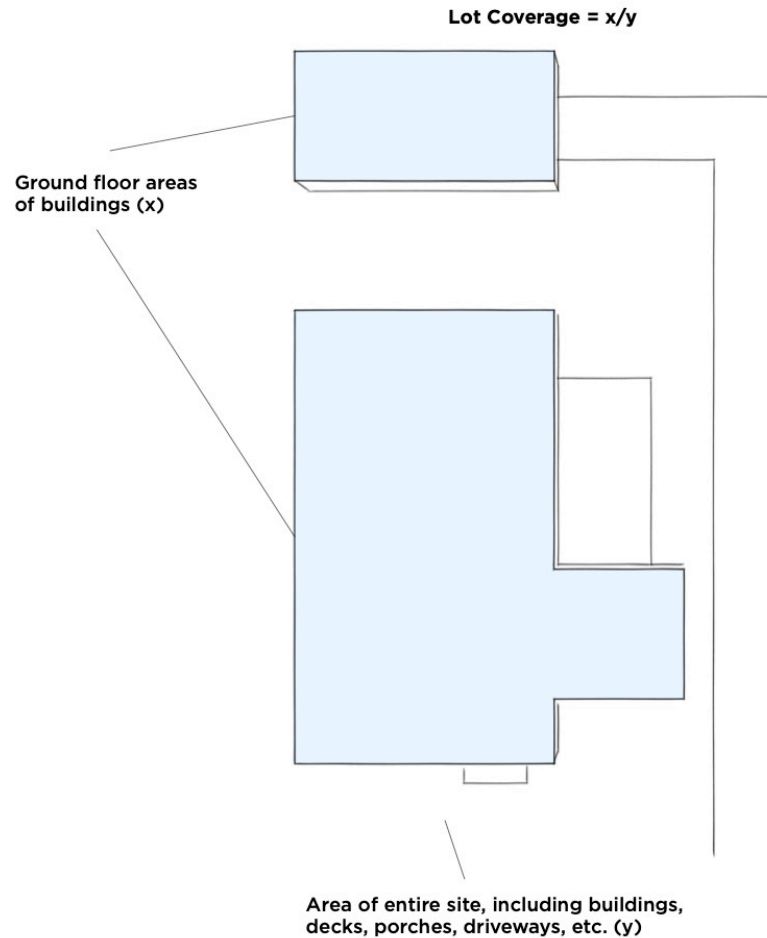
2. **Flag Lots.** The following dimensional standards apply to flag lots:
 - a. The flagpole or panhandle portion of the lot shall be a minimum of 24 feet wide and the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street.
 - b. The flag portion of a flag lot is subject to the lot width/depth requirements for non-flag lots.
 - c. The flagpole or panhandle portion of the lot shall not be included in calculating lot size. See Figure 19.36.2-D, Flag and Irregular Lots.

FIGURE 19.36.2-D, FLAG AND IRREGULAR LOTS



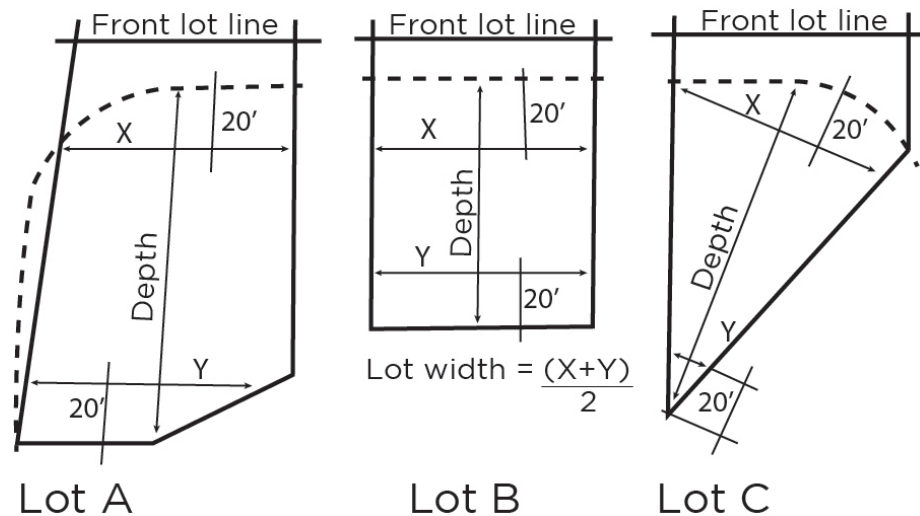
3. ***Lot Area, Gross.*** The amount of ground area contained inside the lot lines of a lot or site, including all proposed and existing rights-of-way.
4. ***Lot Area, Net.*** The remaining usable ground land area after removing all portions of proposed and existing rights-of-way within the lot or site.
5. ***Lot Coverage*** The proportion of a lot covered by all principal and accessory buildings and structures, expressed as a percentage of the total net area of the lot. Lot coverage includes, but is not limited to, all principal buildings, all accessory structures such as shed or gazebos regardless of size, patio covers, covered parking, garages, carports, halls, stairways, service rooms, and mechanical equipment rooms. See Figure 19.36.2-E, Lot Coverage.

FIGURE 19.36.2-E, LOT COVERAGE



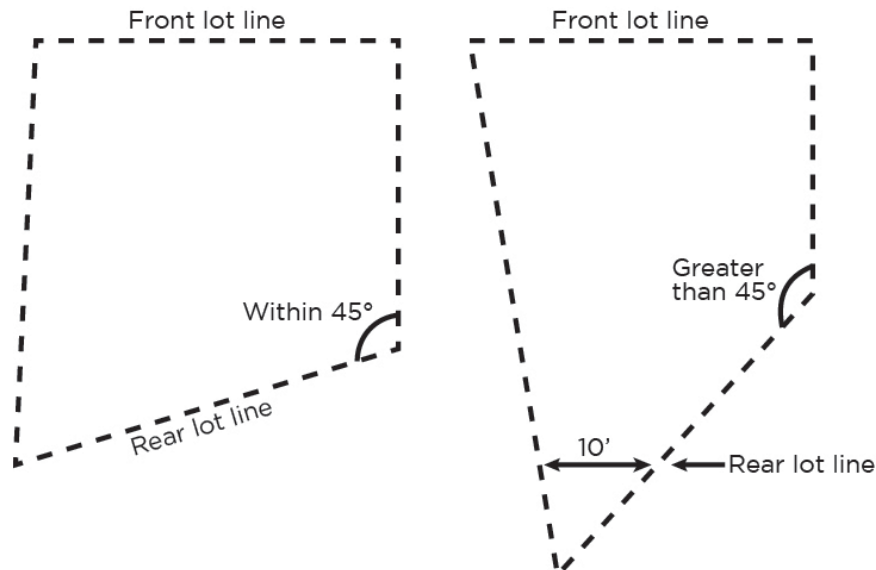
6. **Lot Depth.** The distance between the front and rear property lines of a site measured along a line midway between the side property lines. In cases where there is no rear lot line, depth equals the distance from the front lot line to the most distant point on any other lot line.
7. **Lot Width.** The mean of the distance between the side lot lines measured at right angles to the lot depth at points 20 feet from the front lot line, or 20 feet from the rearmost point of the lot depth in cases where there is no rear lot line. See Figure 19.36.2-F, Lot Width Measurement.

FIGURE 19.36.2-F, LOT WIDTH MEASUREMENT



8. **Lot or Property Line, Front.** The lot line describing the edge of the lot abutting the street or the right-of-way to which the lot has access and is oriented to for purposes of development. On a corner lot, only one street shall be considered as a front line, and the shorter right-of-way frontage and/or frontage in which the development is oriented shall be considered the front line. In RS-1 and RS-2 districts where lots abut multiple streets or rights-of-way, the front lot or property line shall be determined by the assigned property address. There is only one front property line for each lot.
9. **Lot or Property Line, Rear.** A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, it shall be deemed the rear lot line for the purpose of measuring rear-yard depth. See Figure 19.36.2-G, Lot or Property Line, Rear. In instances where neither the front lot line nor the rear lot line is a simple straight line and it may not be easy to determine whether any lot line is within 45 degrees of being parallel to the front lot line, the Director may make the determination of the rear property line.

FIGURE 19.36.2-G, LOT OR PROPERTY LINE, REAR

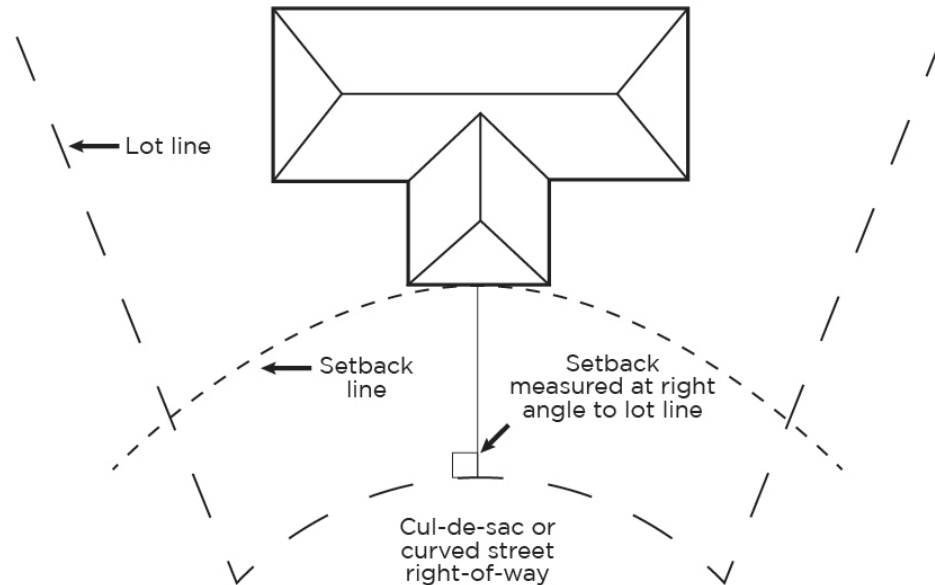


10. ***Lot or Property Line, Interior.*** A lot line not abutting a street.
11. ***Lot or Property Line, Side.*** A lot line that is not a front or rear lot line.
12. ***Lot or Property Line, Street.*** A lot line abutting a street.

E. **Setbacks.**

1. ***Attached Buildings.*** Attached buildings, whether principal or accessory, shall be treated as a single structure for the purpose of applying setbacks. Accessory units attached to the primary building shall be considered part of the primary building for setback purposes. This requirement shall not apply to residential patio covers, carports, or open shade structures.
2. ***Measurement.*** Setbacks shall be measured as the distance between the nearest lot line and the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas shall not be utilized for measurement of setbacks.
3. ***Setback Line.*** A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. Where no minimum front, side, or rear yards are specified, the setback line shall be the same as the lot line.
4. ***Setback, Front.*** Extends across the full width of a site, the depth of which is the minimum distance between the front property line and a line parallel thereto on the site. The front setback must follow the curvature of the front property line in cases where a lot is on a cul-de-sac or knuckle. See Figure 19.36.2-H, Cul-de-Sac Setback Measurement.

FIGURE 19.36.2-H, CUL-DE-SAC SETBACK MEASUREMENT



5. **Setback, Front on Corner Lots.** The front setback of a corner lot shall be measured from the side of the lot designated as the “front.” On a corner lot only, one street line shall be considered as a front line, which shall be the shorter street frontage.
 6. **Setback, Rear.** Extends across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot, the rear yard shall extend only to the side yard abutting the street.
 7. **Setback, Side Interior.** A side setback on that portion of a lot not adjacent to a private or public right-of-way. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the front line of the required rear yard or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.
 8. **Setback, Side Street.** A side setback on that portion of a lot adjacent to a private or public right-of-way. It extends from the rear line of the required front yard or the front property line of the site where no front yard is required, to the rear property line of the site, the width of which is the horizontal distance between the side property line and a line parallel thereto on the site.
 9. **Build-to Line.** The line on which a new building must be built, at a minimum.
- F. **Pedestrian and Amenity Zone.** This zone is located immediately behind the curb. The zone will be landscaped and improved in a manner that does not obstruct pedestrian access or motorist visibility, and subject to applicable requirements of this Code and HMC.

Chapter 19.37 Definitions of Terms

Sections:

19.37.1 Definitions

19.37.1 Definitions

A. Definitions.

Abandoned Vehicle. A vehicle as described in HMC Chapter 15.12.

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

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

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

Action. An act to approve, approve with conditions, or to deny any development review application described in HMC Chapter 19.18, Review and Decision-Making Authorities, with consideration given to whether the application complies with the Development Code and all other applicable regulations. Acknowledgement of a withdrawal or a continuance are other forms of action.

Administrative Adjustment. Minor deviations from otherwise applicable standards that may be approved by the Director.

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

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

Airport Approach Zone (APZ). The airport approach area, as defined in Federal Aviation Regulations Part 77, Surfaces.

Airport Authority. The Clark County Director of Aviation.

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

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

Alley. A minor public right-of-way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting a street. Residential alleys are low-speed and low-trafficked streets that are not intended for general traffic circulation. Alleys permanently serve only to provide vehicular access to the rear of residential units.

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

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

Animal, Non-domesticated. Nontraditional animal species bred and kept in captivity. This includes animals that provide therapeutic emotional support for individuals with disabilities.

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

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

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

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

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

Assessed Value. The monetary value of real property and improvements assigned by the Clark County Assessor's office for the purposes of taxation.

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

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

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

B. **Definitions.**

Background Noise. The term used to describe the noise measured in the absence of the noise under investigation. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for 90 percent of a sample period. This is represented as the L90 noise level.

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

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

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

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

Bicycle Parking Space, Long-Term. Intended for bicycle trips where bicycles will be left for a long period of time (generally all day, overnight, or seasonally) in an area secure and protected from weather.

Bicycle Parking Space, Short-Term. Intended for bicycle trips where bicycles will be left for a short period of time (generally fewer than eight hours) in a convenient and easily-accessible area available to the public.

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

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

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

Boundary Line Adjustment. A process where the boundaries of recorded lots are combined or relocated in accordance with the standards in NRS Chapter 278.

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

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

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

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

1. Is permanently affixed to the land;
2. Has one or more floors and a roof; and
3. Is bounded by either open space, yards, or the lot lines of a lot.

Building Official. The building official for the City of Henderson, Nevada.

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

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

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

C. **Definitions.**

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

Canopy, Tree. Foliage cover from the top layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

Carport. An open-sided vehicle shelter by the side of a building.

Carriage Houses. An accessory dwelling unit to a primary dwelling on the same site. A carriage house provides permanent habitable space above a garage.

Casita. A small house, apartment, or similar structure used as an accessory dwelling or guest house.

CC&Rs. Covenants, conditions and restrictions. The portion of the governing documents of a common interest community that set forth the rights and obligations of the members of that community as well as of the community association.

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

Channel Letter. Three-dimensional, individually manufactured letters or figures, either with an open face or covered by clear or translucent acrylic, which may contain a light source to illuminate the face.

Channel Letter, Reverse. Three-dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted.

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

City. The City of Henderson, Nevada.

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

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

Community Facility.

1. A facility that provides day care to children.
2. A public park.
3. A playground.
4. A public swimming pool.
5. A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
6. A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

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

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

Complete Streets. Streets designed and operated to enable safe use and support mobility for all users.

Comprehensive Plan. The master plan of the City of Henderson, entitled the “Henderson Strong Comprehensive Plan,” as amended.

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

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

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

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

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

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

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

Council. The City Council (Council) of the City of Henderson.

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

County. The County of Clark, Nevada.

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

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

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

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

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

D. **Definitions.**

Decibel. A unit of measure of sound (see “sound pressure level”). The standard notation is dB.

Decision-Making Body. The entity (typically Council, Commission, or the Director) that is authorized to finally approve or deny an application or permit required under this Development Code.

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

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

Developed Residential District. A district zoned primarily for residential use in which at least one completed residential unit has been constructed on the date in question.

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

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

1. The term “development” includes:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land.
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development.
- c. Any change in use of land or a structure.
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland.
- e. The clearing of land as an adjunct of construction.
- f. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling, or excavation on a parcel of land.
- g. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- h. The installation of landscaping within the public right-of-way when installed in connection with the development of adjacent property.

2. The term “development” does not include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by any utility and other entity or persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or

constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

- c. A change in the ownership or form of ownership of any parcel or structure.
- d. Creation or termination of rights of access, easements, or covenants concerning development of land or other rights in land.

Development Agreement. An agreement for the development of land pursuant to NRS 278.0201 et seq. and HMC Chapter 19.27, Development Agreements.

Development Agreement, Standard. A development agreement, as described in HMC Chapter 19.27, Development Agreements, primarily intended for use within an area subject to a Public Facilities Needs Assessment in a form approved by the City Attorney and on file in the Office of the City Attorney. The approved form may be changed at the discretion of the City Attorney.

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

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

Development Permit. For the purposes of only HMC Chapter 19.16, Multiple Species Habitat Conservation Plan, “development permit” means an onsite or offsite permit issued by the City that authorizes the development of a parcel of land that has not previously been improved in accordance with all applicable City ordinances including, but not limited to, building permits and grading permits for construction activities. Demolition permits and temporary power permits do not constitute a development permit.

Development Review Committee. A committee of City staff charged with review of several application types as established in Table 19.18.2-1, Review Procedures and Decision-Making Responsibilities, and composed of the following persons or their representatives:

- 1. The Community Development and Services Director, who shall act as chair;
- 2. The Public Works Director;
- 3. The Parks and Recreation Director;
- 4. The Building Official;
- 5. The Fire Chief;
- 6. The Police Chief;
- 7. The Utility Services Director;
- 8. The City Attorney; and
- 9. A secretary to the committee.

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

Digital Video Display. An electronic graphic display sign capable of displaying digital videos.

Disability. As per the Americans with Disabilities Act. With respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

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

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

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

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

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

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

Driveway, Cluster. Multiple driveways sharing one entrance/exit from the right-of-way.

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

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

E. **Definitions.**

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

Electronic Message Sign. A sign or component of a sign that uses light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof to depict an image, video, message, or series of messages that are electronically programmed or modified by electronic processes. These include computer programmable, microprocessor controlled electronic or digital displays, as well as time and temperature, electronic graphic display, digital video display, and changing-image signs.

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

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

Excavation. The mechanical removal of earth material.

F. **Definitions.**

FAA. The Federal Aviation Administration.

Façade. The exterior wall of a building that is set along a front property line.

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

1. Any number of related people; or
2. No more than six unrelated people.

The size of a family unit is subject to the maximum dwelling unit occupancy of 20 persons set forth in HMC Section 19.9.4.A.1. For purposes of this section, “related” means by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship.

Farmers Market. A designated area where on designated days and times, agricultural and home manufactured products may be sold directly to the public in accordance with City regulations.

FCC. The Federal Communications Commission.

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

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

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

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

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

Fire Lane. A “Fire Apparatus Access Road” as defined in the Fire Code.

Flag. A fabric sheet of square, rectangular, or triangular shape that is used as a symbol, signaling device, or decoration typically mounted on a pole.

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

Frontage. See HMC Section 19.36.2.D.8, Lot or Property Line, Front.

G. **Definitions.**

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

Gate. Any manually or electronically operated barrier or similar device that would allow controlled access or passage to a certain person, group of people, or type of traffic and not to the general public or to through-traffic to a certain location, site, or building.

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

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

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

H. **Definitions.**

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

Halo Lighting. A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the sign or individual letter to illuminate the mounting surface causing a halo of light around the sign or individual letter.

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

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

Henderson Municipal Code (HMC). The Municipal Code of the City of Henderson, Nevada.

High-Voltage Transmission Line. A facility that transmits a minimum of 69 kilovolts of electrical power.

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

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

HOA. Homeowners' association.

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

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

I. **Definitions.**

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

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

Implementing Agreement. For the purposes of HMC Chapter 19.16, Multiple Species Habitat Conservation Plan, only, "implementing agreement" means that certain document entitled Clark County Multiple Species Habitat Conservation Plan Implementing Agreement, approved by the Council on October 3, 2000.

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

Incidental Take Permit. The permit, effective as of February 1, 2001, issued by the Secretary of Interior pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539

which incorporates by reference the Multiple Species Habitat Conservation Plan and Implementing Agreement and allows the incidental taking of threatened or endangered species in the course of otherwise lawful activities.

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

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

J. **Definitions.**

No terms beginning with the letter J are defined at this time.

K. **Definitions.**

Kitchen. That portion of a dwelling unit devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling unit. A kitchen is indicated by the presence of any food-preparation area or cooking facilities, including, but not limited to a stove, oven, microwave oven, countertop hot plate, countertop grill, dishwasher, sink, or the presence of a natural gas stub or a 220-volt electrical outlet/wiring, shall classify any food preparation area as a kitchen.

L. **Definitions.**

L-10 Tenth Percentile Noise Level. The A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded to one minute in a ten-minute period) and is denoted L10.

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

Land, Improved. All real property upon which a City-approved residential, commercial, or other structure has been built in accordance with all City regulations and applicable Codes.

Land, Unimproved. All real property that is vacant and not improved with a City-approved structure.

Landscape Maintenance District. The sum of all legal parcels of real property containing improvements requested by the applicant to be included and maintained within the district in accordance with HMC Chapter 19.34, Landscape Maintenance Districts, and all other applicable City standards and the requirements of NRS 278.478 et seq., as applicable.

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

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

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

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

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

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

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

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

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

LED (Light Emitting Diode). A semiconductor diode that emits light when a voltage is applied to it.

Leq (Equivalent Sound Pressure Level). The steady sound level that, over a specified period of time, would produce the same energy equivalence as the fluctuating sound level actually occurring. Denoted as “Leq.”

Leq (9HR). The Leq noise level for the period 8:00 p.m. to 5:00 a.m. or commercial and industrial nighttime measurements.

Leq (10HR). The Leq noise level for the period 9:00 p.m. to 7:00 a.m. or residential nighttime measurements.

Leq (14HR). The Leq noise level for the period 7:00 a.m. to 9:00 p.m. or residential daytime measurements.

Leq (15HR). The Leq noise level for the period 5:00 a.m. to 8:00 p.m. or commercial and industrial daytime measurements.

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

Lighting, Halo or Silhouette. A type of indirect sign illumination where a concealed light source illuminates the wall behind sign letters.

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

Logo. See Sign, Logo.

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

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

M. **Definitions.**

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

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

Manufactured Home. A structure that is:

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

Marijuana. Any of the following, or as defined in NRS Chapter 453.096, as may be amended or renumbered:

1. All parts of any plant of the genus Cannabis, whether growing or not; and
2. The seeds of a plant of the genus Cannabis;
3. The resin extracted from any part of the plant, including concentrated cannabis;
4. Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
5. “Marijuana” does not include: the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted there from), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination; or hemp, as defined in NRS Chapter 557, which is grown or cultivated pursuant to the provisions of NRS Chapter 557 or any commodity or product made using such hemp.

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

Marijuana, Cultivation Facility. A business licensed by the State of Nevada Cannabis Compliance Board to acquire, possess, cultivate, deliver, transfer, supply or sell marijuana and related supplies to retail marijuana stores, marijuana production facilities, and other marijuana cultivation facilities, but not to consumers.

Marijuana, Dispensary Facility – Medical. A business that is licensed by the State of Nevada Cannabis Compliance Board and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card as defined by State law or to another medical marijuana dispensary.

Marijuana, Dispensary Facility – Retail. An entity licensed by the State of Nevada Cannabis Control Board to acquire, possess, deliver, transfer, supply sell or dispense marijuana to a consumer or to another retail marijuana dispensary., and to sell marijuana and marijuana products to consumers.

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

Marijuana, Establishment. A marijuana cultivation facility, an independent marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or medical marijuana dispensary or a retail marijuana store which is licensed by the State of Nevada Cannabis Compliance Board.

Marijuana, Independent Testing Laboratory. An entity licensed by the State of Nevada Cannabis Compliance Board to test marijuana and marijuana products intended for adult use, including for potency and contaminants.

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

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

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

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

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

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

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

Mini-Storage. See “Warehousing and/or Storage Yard.”

Mitigation Fee. The fee imposed pursuant to the provisions of HMC Section 19.16.2, Imposition of Mitigation Fee.

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

MMFC. Minimum maintainable foot candles.

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

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

Model Home. A dwelling temporarily used as a sales office and/or as an example of dwelling units available for sale within a residential development that is under construction.

Motor Court. The vehicular access to housing units within a cluster.

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

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

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

Mural. A picture or decoration that is applied directly to a wall and does not contain text or a commercial message.

N. **Definitions.**

Nevada Revised Statutes (NRS). The Nevada Revised Statutes, as amended.

Neon. An illumination source created when a glass tube filled with neon or other similar gas emits light when energized. The tube can be bent to form letters, symbols, or other shapes.

Nits. The standard unit used to measure the luminance of a surface, such as the face of a sign. One nit is equivalent to one candela (i.e., the light output of a common wax candle) per square meter.

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

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

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

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

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

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

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

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

O. **Definitions.**

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

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

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

Open Space, Natural. Protected lands that, depending on their resource sensitivity, are conserved in their natural state restored, or improved with appropriate native landscaping to retain a natural or natural-appearing condition and are integrated into an interconnected open space and trails system. Natural open space may include appropriate public trails or other public improvements. Natural open space is typically publicly owned and maintained.

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

Open Space, Useable. An outdoor or unenclosed area on the ground or on a roof or terrace, designed and easily accessible for outdoor living, passive or active recreation, pedestrian activities, or landscaped amenities, but excluding parking facilities, medians, driveways, utility or service areas, or any required front or corner side yard, or required landscape buffer. The area must be surfaced with walkable landscape material such as decomposed granite, artificial turf, pavers, decking, or sport-court-type that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Natural turf may only be utilized if it meets the definition of functional turf.

Operating Condition. A vehicle, device, or use that is not abandoned and fully functional.

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

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

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

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

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

P. **Definitions.**

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

Parcel. All real property.

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

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

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

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

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

Parking Space. The space or area in which a vehicle would park in a private or public parking lot or structure/garage.

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

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

Paseo. A linear park or path designated for walking or recreation.

Patio. An unenclosed outdoor space adjacent to a building with either permeable or impermeable paving (or similar improved surface).

Peak Commute. The peak morning commute period is 7:00 – 9:00 a.m. and the peak evening commute period is 5:00 – 7:00 p.m.

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

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

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

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

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

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

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

Planned Unit Development. An area of land controlled by a landowner that is to be developed as a single entity for one or more planned unit developments, one or more public, quasi-public, commercial or industrial areas, or any combination of these uses, as defined in NRS 278A.070.

Planning Commission. The Planning Commission (Commission) of the City of Henderson.

Plaza. A civic space type designed for civic purposes and commercial activities in the more urban areas, generally paved and spatially defined by building frontages.

Porch. An open-air room attached to a building, with a floor and roof but no walls on the side(s) facing the street.

Porte Cochere. A passageway through a building or extending from the entrance of a building over an adjacent driveway designed to let vehicles pass from the street to an interior courtyard.

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

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

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

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

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

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

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

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

1. *Site-Specific Projects*

- a. Site-specific building or development projects of either a private, public, or quasi-public nature that satisfy one of the following criteria and occur within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area:
 - i. Tentative maps or planned unit developments of 500 units or more;
 - ii. Tourist accommodations of 300 units or more;
 - iii. A commercial or industrial facility generating more than 6,250 average daily vehicle trips, as defined by the Institute of Transportation Engineers or its successor; or
 - b. Zoning map amendments or local land use plan amendments that could result in development that exceeds the threshold criteria identified above and that occurs within a half-mile of the boundary of an adjacent municipal corporation or unincorporated area; or
 - c. Any CUP request that involves property within 500 feet of the boundary of an adjacent municipal corporation or unincorporated area.
2. ***Regionally Significant Infrastructure Projects.*** Multi-jurisdictional regional infrastructure projects not under the purview of existing regional agencies (such as the Regional Transportation Commission), including, but not limited to, the following facilities when they impact more than one jurisdiction:
 - a. A transmission line that carries 60 kilovolts or more;
 - b. A facility that generates electricity greater than 50 megawatts;
 - c. Natural gas storage and peak shaving facilities; and
 - d. Gas regulator stations and mains that operate over 200 pounds per square inch.

Projects of Significant Impact. A development project that:

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

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

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

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

Q. **Definitions.**

No terms beginning with the letter Q are defined at this time.

R. **Definitions.**

Raceway. An enclosed conduit for electrical wiring typically used on a building mounted sign.

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

Recreation, Active. Recreational activities that require the use of special facilities, courses, fields, or equipment such as baseball, football, and soccer.

Recreation, Passive. Recreational activities that do not require prepared facilities like sports fields or pavilions, such as walking, hiking, picnicking, and nature observation.

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

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

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

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

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

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

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

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

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

Ridge. An elongated crest or series of crests of a hill.

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

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

RTC. Regional Transportation Commission of Southern Nevada.

S. **Definitions.**

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

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

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

1. A series of points that when connected form an uninterrupted line with a definable starting and ending point.
2. Two intersecting side slopes each having a minimum gradient of 15 percent.
3. A starting point where three side slopes intersect at a definable point, which shall be a point at which the elevation is a minimum of 200 vertical feet higher than the closest parcels outside of the 15 percent slope line as designated on the Hillside Regulation Map.
4. An ending point of a sensitive ridgeline shall be the highest vertical elevation along the series of connecting points.

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

1. A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.
2. A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.
3. A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

Shade Tree. A tree grown primarily to produce shade, not including palm trees. Shade trees must comply with the Southern Nevada Water Authority (SNWA) Water Smart Landscapes Program Plant List.

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

more “out parcels” under separate ownership or lease that contain complementary commercial enterprises.

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

Short-Term Vacation Rental – Advertisement. Any and all means, whether verbal or written, through any media whatsoever, whether in use prior to, at the time of, or after the enactment of this ordinance, used for conveying to any member or members of the public the ability or availability to rent a short-term vacation rental unit as defined in HMC Section 19.9.4.F., or used for conveying to any member or members of the public a notice of an intention to rent a short-term vacation rental unit as defined in HMC Section 19.9.4.F.. For purposes of this definition, the following media are listed as examples, which are not and shall not be construed as exhaustive: Verbal or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed or poster display, billboard display, e-mail or other electronic/digital messaging platform, electronic commerce/commercial internet web sites, and any and all other electronic media, television, radio, satellite-based, or internet web site.

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

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

Short-Term Vacation Rental – Party. A party, for the purpose of a short-term vacation rental, is defined as a gathering of persons that exceeds the maximum occupancy permitted under HMC Section 19.9.4.F.

Short-Term Vacation Rental – Registered Local Contact. A person or persons designated by the short-term vacation rental property owner in its City registration with responsibility for responding to all complaints regarding a short-term vacation rental.

Short-Term Vacation Rental – Noise Management Plan. A plan that incorporates noise monitoring devices or alternate means of monitoring and responding to noise levels that exceed acceptable levels at and/or around the short-term vacation rental property.

Short-Term Vacation Rental – Occupancy. The use or possession of, or the right to use or possess, any residential dwelling unit, or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

Short-Term Vacation Rental – Occupant. Any person who, for rent, uses, possesses or has the right to possess any residential dwelling unit, or portion thereof, in transient lodging for dwelling, lodging, or sleeping purposes.

Short-Term Vacation Rental – Permanent Resident. Any person who has or shall have the right to use or possession of the same residential dwelling unit, or portion thereof, for dwelling, lodging, or sleeping purposes for 31 consecutive days or more.

Short-Term Vacation Rental – Rent. The amount charged for occupancy at a short-term vacation rental, valued in money, barter or trade, but does not include the amount charged for any food or beverage

service or for personal services rendered to the occupant, such as but not limited to concierge services, clothes cleaning services, massage, or physician services.

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

Sign. A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, A-Frame, Type I. A small temporary sign typically collapsible and constructed of metal with two sides attached at the top allowing the sign to stand in an upright position.

Sign, A-Frame, Type II. A temporary sign typically collapsible and constructed of sturdy plastic with two sides attached at the top allowing the sign to stand in an upright position. (Synonym: Sandwich Board).

Sign, A-Frame, Type III. A large temporary sign typically constructed of metal with two sides attached at the top allowing the sign to stand in an upright position mounted on a trailer. (Synonym: Trailer Billboard)

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

Sign, Awning. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

Sign, Balloon Bobber. A reusable pre-formed balloon with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

Sign, Billboard. A type of sign consisting of a large permanent outdoor advertising structure designed or primarily intended to advertise businesses, products or services not offered on the property where the sign is located.

Sign, Blade. A permanent sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building.

Sign, Building Identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, Building Mounted. Sign attached to, connected to, erected against the wall, parapet, or fascia of a building or structure with the exposed face of the sign in a plane parallel to the vertical face of the building or structure

Sign, Cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

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

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

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

Sign, Commercial. A sign that promotes commercial products or services for sale.

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

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

Sign, Flashing. An illuminated sign that contains an intermittent or sequential flashing light source or any other means to attract attention.

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

Sign, Fuel Pump Topper. A sign affixed to the top of an operable fuel dispensing pump.

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

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

Sign, Logo. A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business or product.

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

Sign, Light Pole Banner. A temporary sign displayed from or hung on streetlamp poles or light posts from a permanently affixed mounting bracket/holder.

Sign, Monument. A low-profile freestanding sign, with the sign face attached directly to a solid base that is equal to or larger than the width of the sign face. Monument signs are intended for viewing by vehicles travelling on a collector or arterial street.

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

Sign, Noncommercial. A sign that promotes noncommercial purposes such as public community events, civic groups, nonprofit organizations, or which expresses religious, political, social, ideological or other philosophical messages. For the purposes of this Code, signs for government facilities such as schools, libraries, offices, and other public facilities are noncommercial signs.

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

Sign, Off-Premises. A sign that advertises products or services that are not sold on the premises upon which the sign is located.

Sign, Painted-on Wall. A sign painted directly onto the exterior wall of a building and having no sign structure.

Sign, Pennant. Any type of sign that does not meet the definition of Temporary Sign.

Sign, Permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, Permit. A permit issued by the City of Henderson authorizing the installation, modification, or removal of signage.

Sign, Professionally Crafted. A temporary or permanent sign that is made to a high standard by a competent individual(s) skilled and licensed in sign design, fabrication, and installation.

Sign, Projecting. A sign that is perpendicular to the face of a building and projects outward from the building face.

Sign, Post and Panel. A large, typically wooden freestanding sign greater than 32 square feet in area mounted on one or two posts installed securely in the ground.

Sign, Pylon. A tall free-standing sign, usually double-faced and internally illuminated, mounted on two or more round poles, square tubes, or other fabricated structural members that are typically covered/clad individually or collectively to have the appearance of separate supports or a solid base.

Sign, Residential. Any sign that is approved for use in association with an Active Single-Family Residential Subdivision.

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

Sign, Single-Color Or Two-Color LED. A permanent sign composed of single-color or two-color LEDs, including signs with fixed and changeable copy.

Sign, Temporary. A sign that is temporary in nature and is not permitted for permanent placement or does not have the functional effect of permanently placed signs. Examples include signs constructed of paper, cloth, vinyl, fabric, wood, or similar materials and are not permanently affixed to a structure, sign area, or window.

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

Sign, Wall. A sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

Sign, Wall Banner. A temporary sign constructed of cloth, bunting, plastic, paper, or similar material and securely attached to a wall or support structure. Flags are not considered wall banner signs.

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

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on an H-shaped wire frame (Synonym: Lawn Sign).

Sign, Yard, Type II. A sign mounted on a single post installed securely in the ground with a small sign hanging from a crossbar mounted parallel to the ground.

Sign, Yard, Type III. A large typically wooden sign mounted on two posts installed securely in the ground.

Sign Face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign Structure. The supports, uprights, bracing and/or framework of a sign.

Spinner. A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

Single Family Residence. A structure containing one or more dwelling units in which resides a family unit, as defined herein, or a Community Residence as defined in HMC Chapter 19.9, Use Regulations.

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

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

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

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

Slope Analysis Map. A pictorial representation prepared by the City of the natural topography of property expressed in a series of percentages. See HMC Section 19.10.11, Slopes and Grading.

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

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

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

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

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

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

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

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

Stepback. A building setback of a specified distance that occurs at a prescribed number of stories above the ground.

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

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

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

Street, Local. A street designed to provide vehicular access to abutting property and to discourage through-traffic.

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

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

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

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

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

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

Street Stub. A terminated street intended for future connection that is not a cul-de-sac.

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

Subdividers. An individual or entity that divides up a large piece of owned land into smaller pieces generally for the purpose of developing them into dwelling units/housing products for sale in the future.

Substantial Renovation. Any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 35 percent or more of the existing floor area or the addition of new floors. The calculation shall include attached garages, but not include detached garages. For the purpose of the calculation, the increase in floor area shall be aggregated over a three-year period.

Swimming Pools and Hot Tubs. Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

T. **Definitions.**

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

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

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

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

Trellage. Two or more trellis structures.

Turf, Active/Programmed Recreation. An irrigated natural turf area in an active/programmed recreation area on homeowner association-owned or managed property or at a public park or water park (excluding park streetscape and community frontage areas). Active/programmed recreation turf must be 1,500 contiguous square feet or greater; co-located with facilities, including but not limited to trash bins, benches, tables, walking paths and/or other recreational amenities; and located at least 10 feet from a public or private street or interior facing parking lot, unless the contiguous turf area is at least 30 feet in all dimensions or the turf is immediately adjacent to an athletic field.

Turf, Athletic Field. An irrigated natural turf area used as a programmed sports field or for physical education and intermural use that is 1,500 contiguous square feet or greater, not less than 30 feet in any dimension, and located at a school, daycare, youth recreation center, senior center, public park, private park, water park or religious institution. Athletic Field Turf may be located less than 10 feet from a public or private street or interior-facing parking lot if the contiguous turf area is at least 30 feet in all dimensions.

Turf, Designated Use Area. An irrigated natural turf area designated for special use at cemeteries and mortuaries.

Turf, Golf Course Play. An irrigated natural turf area at a golf course in driving ranges, chipping and putting greens, tee boxes, greens, fairways and rough.

Turf, Pet Relief. An irrigated natural turf area at a property providing commercial and retail services for pets that is designated for pet use (such as veterinarians or boarding facilities). Pet Relief Turf may not exceed 200 square feet.

Turf, Playground. An irrigated natural turf area in designated play areas with playground amenities, including but not limited to slides, swings and climbing structures on homeowner association-owned or managed property or at a public park, water park, school, daycare, youth recreation center, senior center or religious institution. Playground Turf may be located less than 10 feet from a public or private street if fenced.

Turf, Resident Area. An irrigated natural turf area up to 150 square feet at multi-family residential properties, single-family attached properties, commercial/multi-family mixed use properties, extended stay hotels/motels, or assisted living and rehabilitation centers used by tenants for recreation and leisure. Resident Area Turf must be in areas reasonably accessible for active use by residents and therefore may not be located in streetscape frontages, parking lots, roundabouts, medians, driveways and other non-accessible or exclusive-use areas such as commercial courtyards.

Turf, Functional. An irrigated natural turf area that provides a recreational benefit to the community and is located at least 10 feet from a street, except as otherwise specified, installed on slopes less than 25 percent, and not installed within street medians, along streetscapes or at the front of entryways to parks, commercial sites, neighborhoods or subdivisions. Functional Turf includes Active/Programmed Recreation Turf, Athletic Field Turf, Designated Use Area Turf, Golf Course Play Turf, Pet Relief Turf, Playground Turf or Resident Area Turf.

Turf, Natural. Any various grasses such as Kentucky bluegrass, hybrid Bermuda, or perennial ryegrass grown to form turf.

U. **Definitions.**

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

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

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

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

V. **Definitions.**

Vacation, Type I. A process where the City abandons interest in any public right-of-way or easement.

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

Vapor product. Means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine in a solution or other form per NRS 370.054.

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

Vegetation. Trees, grass, shrubs, or vines.

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

Vehicle, Antique. Any vehicle older than 40 years.

Vehicle, Classic. Any vehicle between 25 and 40 years old.

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

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

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

W. **Definitions.**

Walkway. A hard-surface passage or path used for walking.

Wall, Decorative. A wall that may include materials such as brick, stone, and similar materials at the discretion of the Director, but shall not include smooth face CMU block, poured concrete, stucco, metal paneling, or similar materials

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

Water Use, Consumptive. Defined by the Southern Nevada Water Authority as water withdrawals (or diversions) minus any water that is used and not returned to the wastewater collection system or sewer.

X. **Definitions.**

No terms beginning with the letter X are defined at this time.

Y. **Definitions.**

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

Z. **Definitions.**

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

Appendix A: Master Transportation Plan Summary Table

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APPENDIX A: MASTER TRANSPORTATION PLAN SUMMARY TABLE

R = Required • = As approved by Public Works Department – = Not Recommended

Δ = Refer to Master Bicycle & Trails Plan * = Refer to RTC Transit Guide & System Map

		Minor Collector	Major Collector	Minor Arterial	Major Arterial
	Expected ADT	≤ 10k	10k - 25k	25k - 40k	≥ 40k
	Minimum Total Width	87 ft.	122 ft.	158 ft.	182 ft.
	Minimum Dedicated Width ^{1,2,4} (includes 5 ft. minimum back of curb)	61 ft.	86 ft.	108 ft.	132 ft.
Roadway	Minimum Roadway Width (back of curb to back of curb)	51 ft.	76 ft.	98 ft.	122 ft.
	Travel Lanes	2	4	6	8
	Lane Width	11 ft.	11 ft.	11 ft.	11 ft.
	Curb & Pan	2 ft.	2 ft.	2 ft.	2 ft.
	On-Street Parking	6.5 ft.	•	•	•
	Dedicated Transit Facilities	*	*	*	*
	Minimum Bicycle Lane Width (includes buffer width)	≥ 6 ft.	≥ 8 ft.	≥ 8 ft.	≥ 8 ft.
	Buffered Bicycle Lane	–	R	R	R
	Buffer Width	–	≥ 3 ft.	≥ 3 ft.	≥ 3 ft.
	Minimum Center Median Width	– ³	≥ 12 ft.	≥ 12 ft.	≥ 14 ft.
	Raised Median	–	R	R	R
Pedestrian & Amenity Zone	Minimum Width (per side)	≥ 18 ft.	≥ 23 ft.	≥ 30 ft.	≥ 30 ft.
	Curb to Walkway Amenity/Planting Width ⁴	≥ 5 ft.	≥ 5 ft.	≥ 5 ft.	≥ 5 ft.
	Walkway Width	≥ 6 ft. ³	≥ 6 ft. ³	≥ 10 ft.	≥ 10 ft.
	Back of Walkway Amenity/Planting Width ⁵	≥ 7 ft.	≥ 12 ft.	≥ 15 ft.	≥ 15 ft.
	Detached Multi-Use Path ⁶	Δ	Δ	Δ	Δ

Notes

1 Additional right-of-way may be required based upon findings of a traffic impact study and/or the civil improvement plans.

2 Applicant shall dedicate and construct additional right-of-way as depicted in Regional Transportation Commission of Southern Nevada Uniform Standard Drawing Number 201.1 at any intersection of a Major Collector and Minor Arterial or larger roadway as per the City of Henderson's Master Transportation Plan. Additional right of-way may be required based on findings of a traffic impact study and/or the civil improvement plans. This additional right-of-way does not impact Pedestrian & Amenity Zone requirements.

3 Minimum 8 ft. required adjacent to all schools.

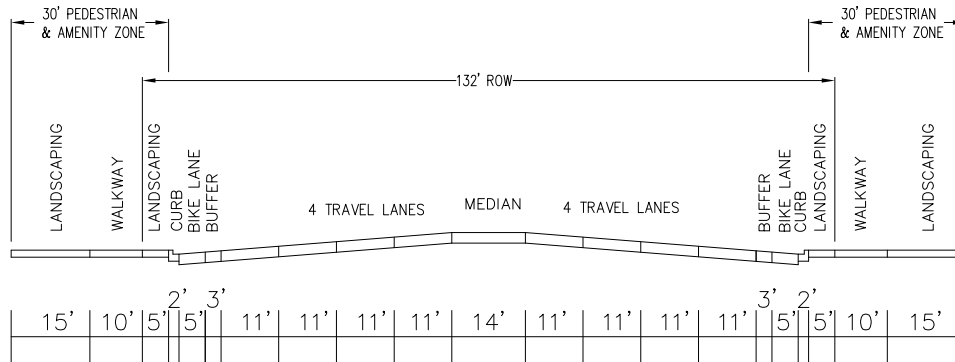
4 Minimum 5 ft. of right-of-way back-of-curb shall be dedicated and privately maintained. This right-of-way width shall be landscaped unless otherwise approved by the Director.

5 For any street not listed on the Master Transportation Plan a minimum 7 ft. of landscaping is required back of walkway.

6 Applicant may use additional walkway width constructed to satisfy requirements of Master Bicycle & Trail Plan to offset a portion of back of walkway amenity/planting width requirement.

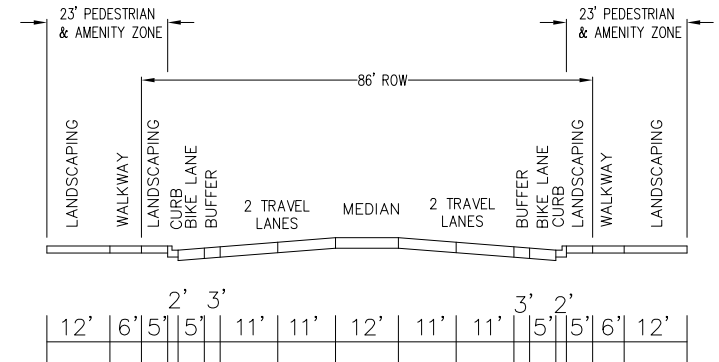
MAJOR ARTERIAL

182' TOTAL WIDTH
132' DEDICATED WIDTH
122' ROADWAY



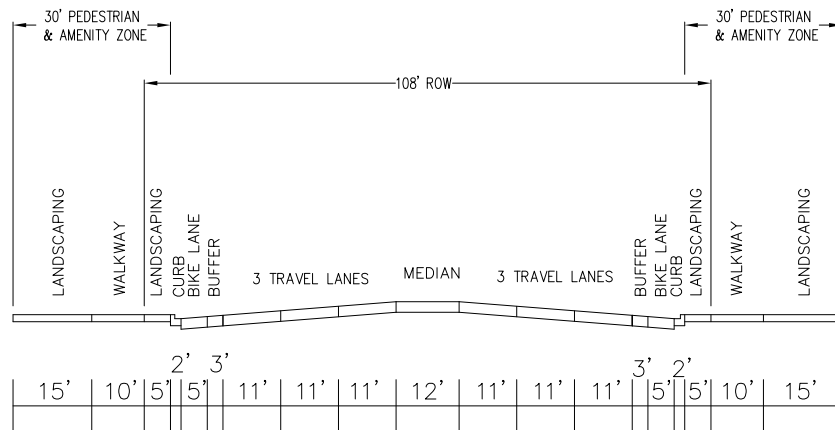
MAJOR COLLECTOR

122' TOTAL WIDTH
86' DEDICATED WIDTH
76' ROADWAY



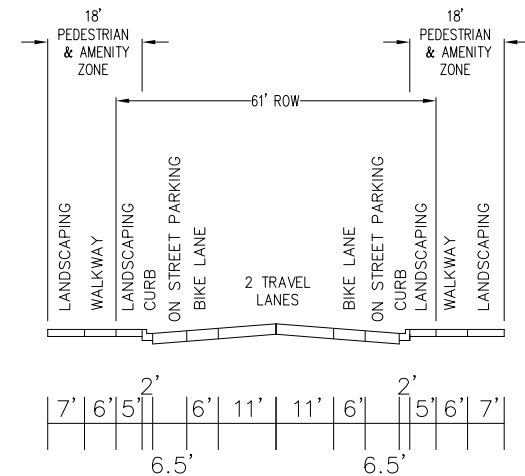
MINOR ARTERIAL

158' TOTAL WIDTH
108' DEDICATED WIDTH
98' ROADWAY



MINOR COLLECTOR

87' TOTAL WIDTH
61' DEDICATED WIDTH
51' ROADWAY



Appendix B: Procedural Flow Charts

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Appendix B

Flow Charts

Figure B-1: Call-Up Process



Figure B-2: Procedural Flowchart Legend

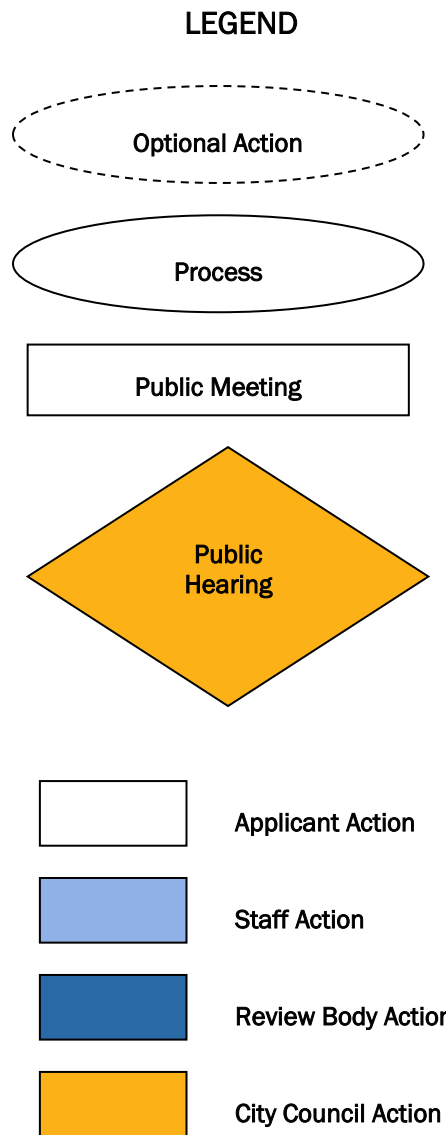


Figure B-3: A Summary of the Comprehensive Plan Amendment Process

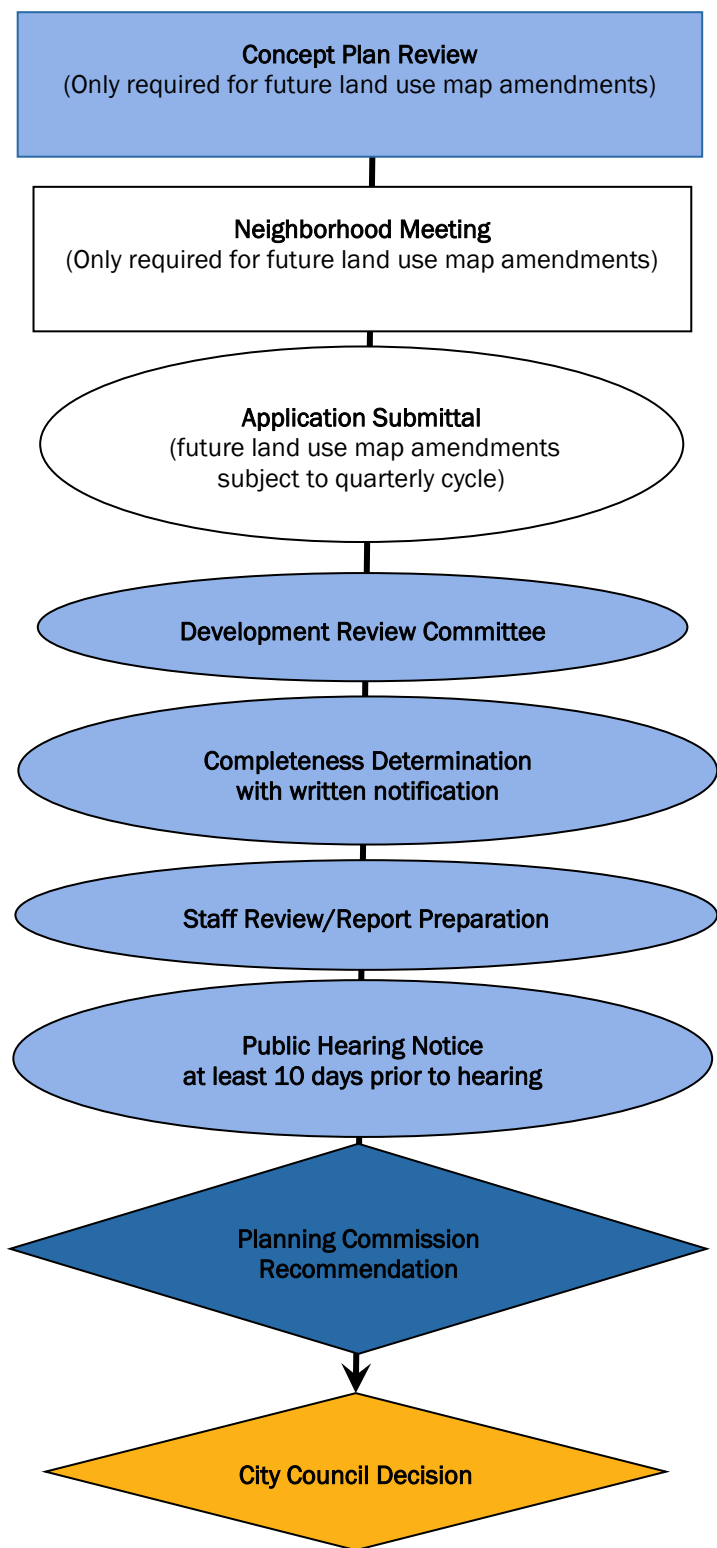


Figure B-4: Summary of Code Text Amendment

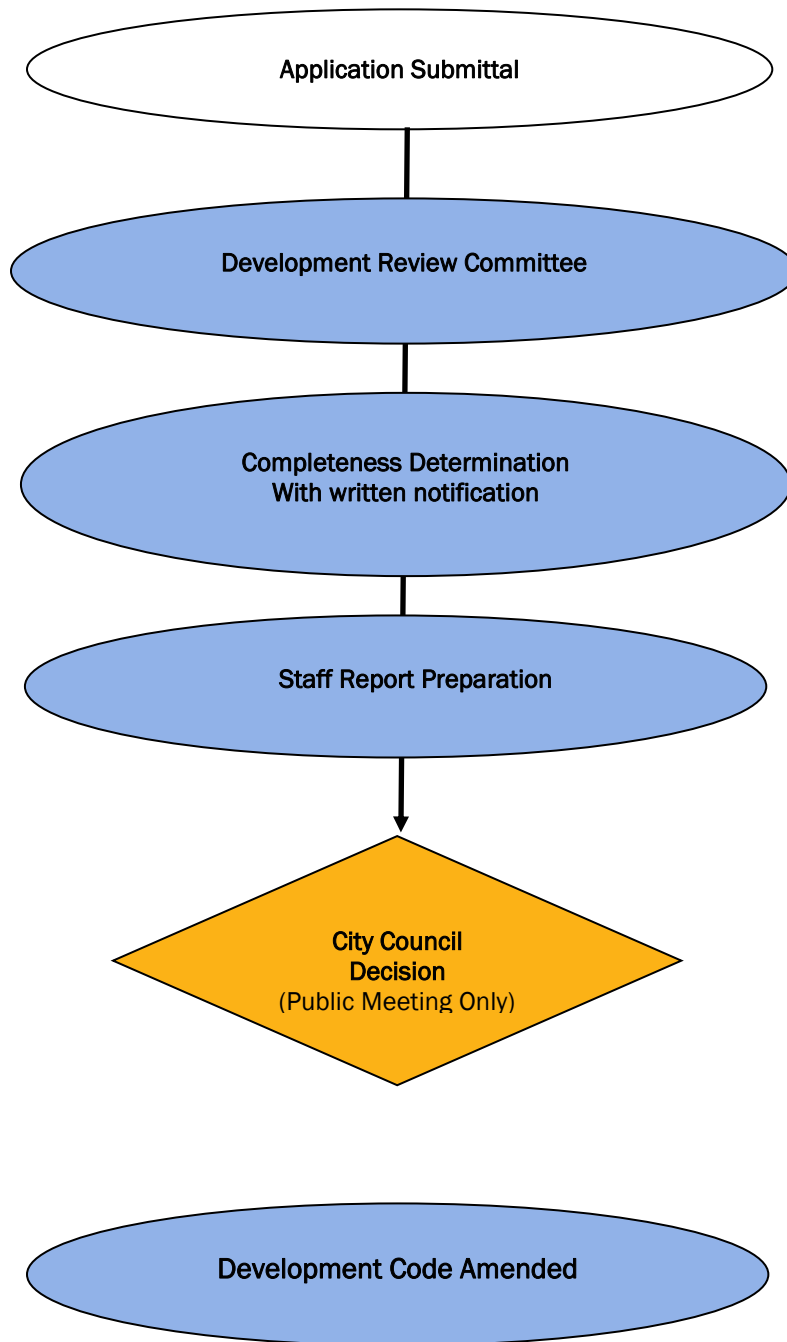


FIGURE B-5: Summary of the Rezoning Process

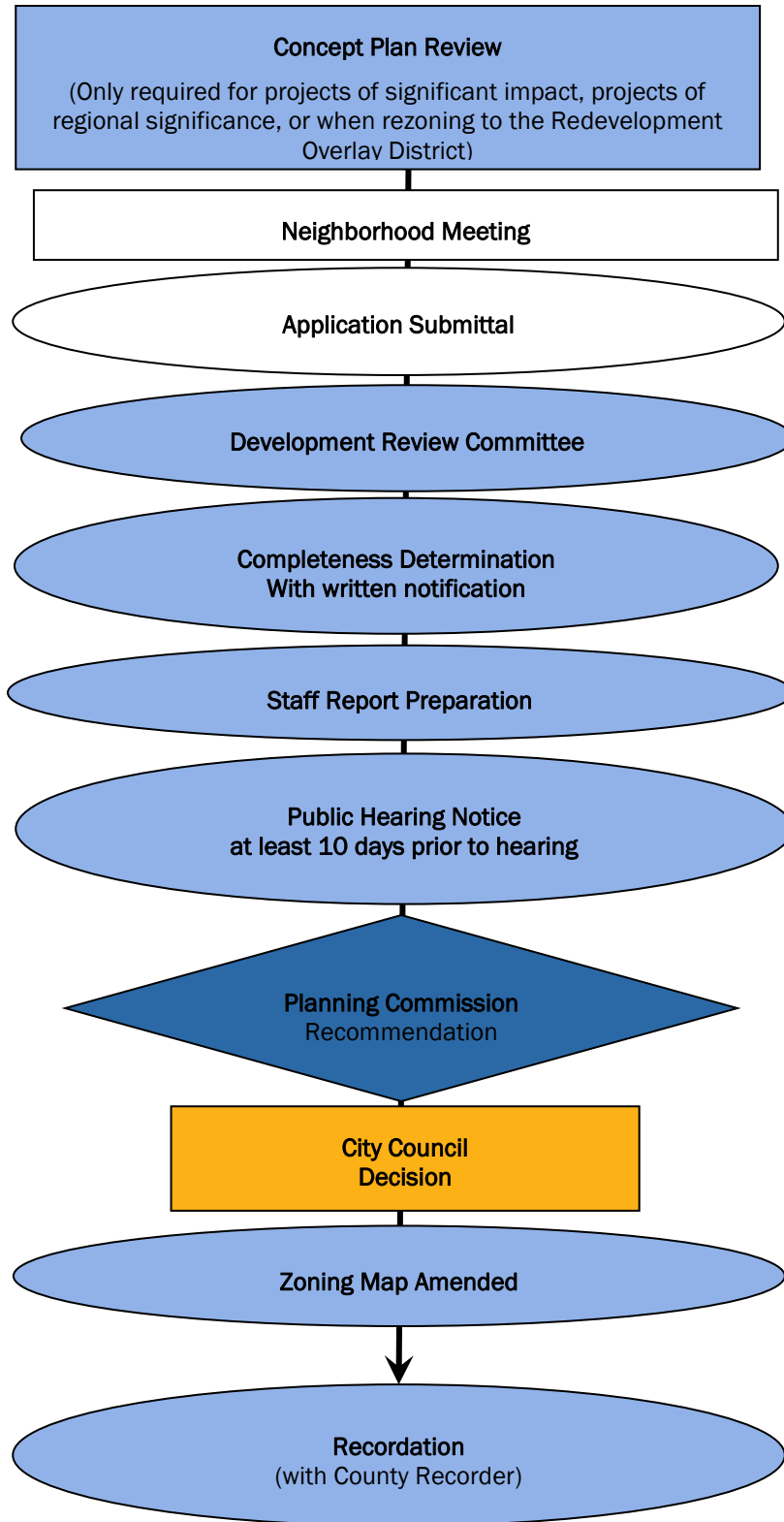


FIGURE B-6: Summary of the Process for
Rezoning to the MP or PUD Overlay

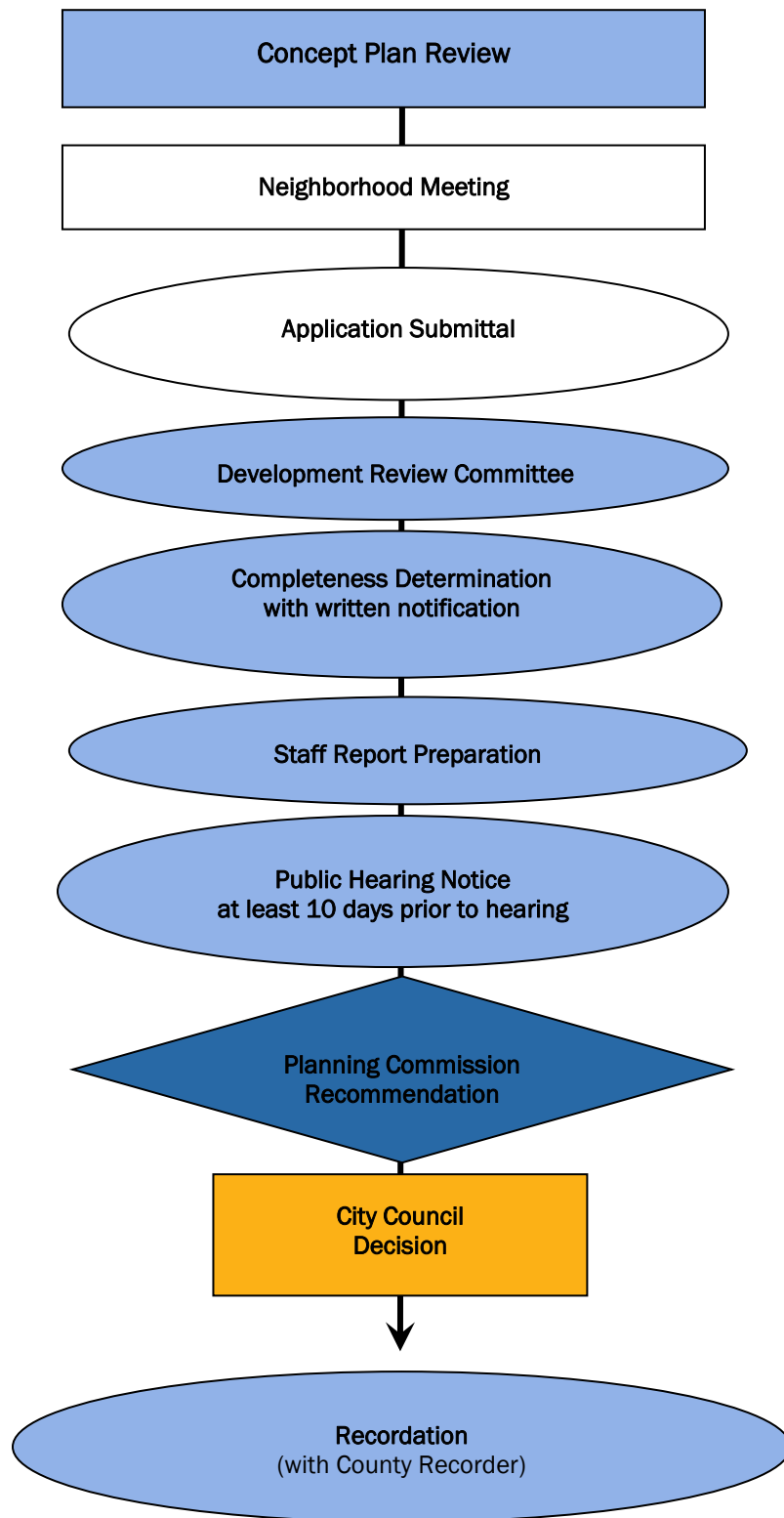


Figure B-7: Summary of The Parcel Map Process

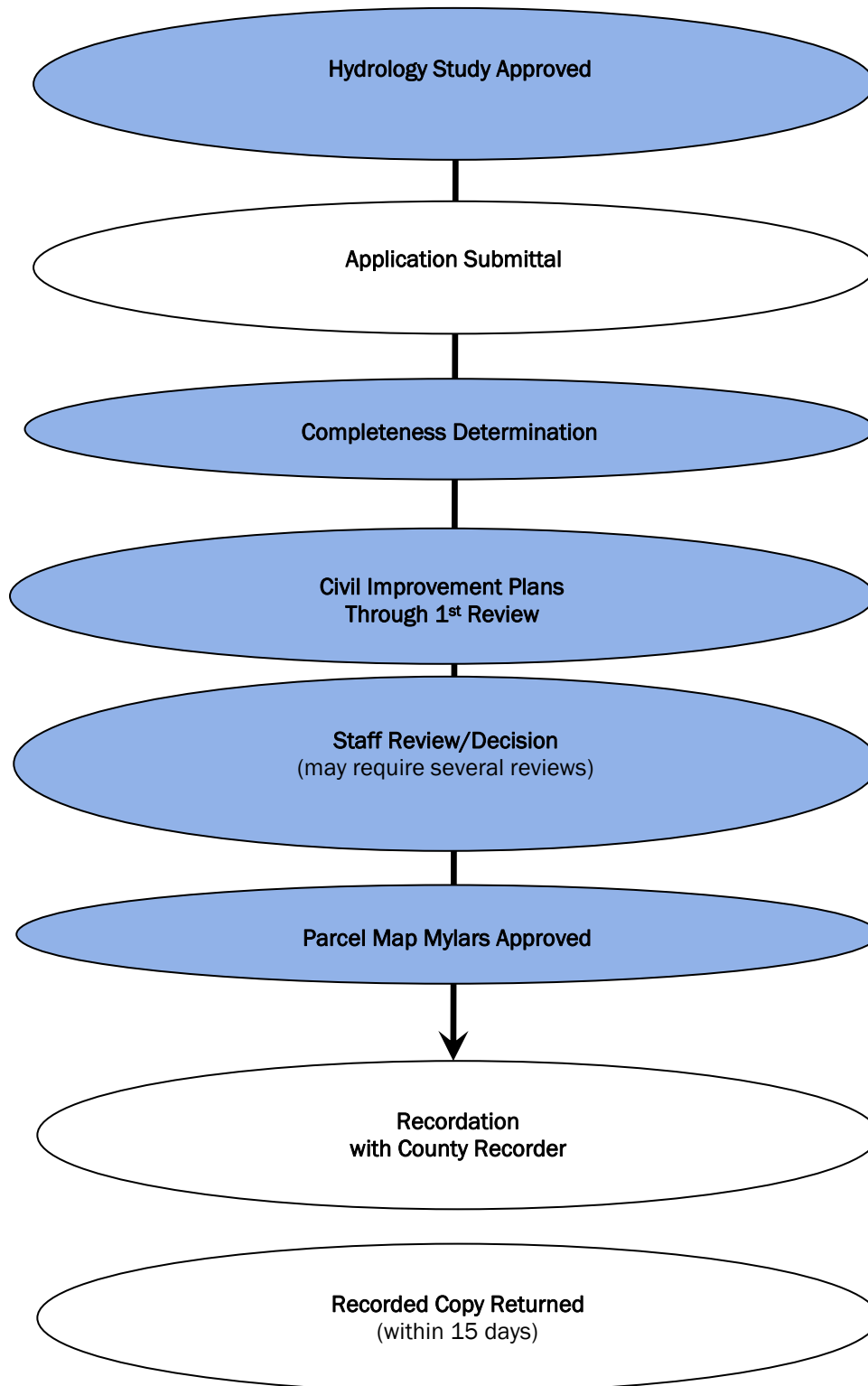


FIGURE B-8: Summary of the Boundary Line Adjustment Process

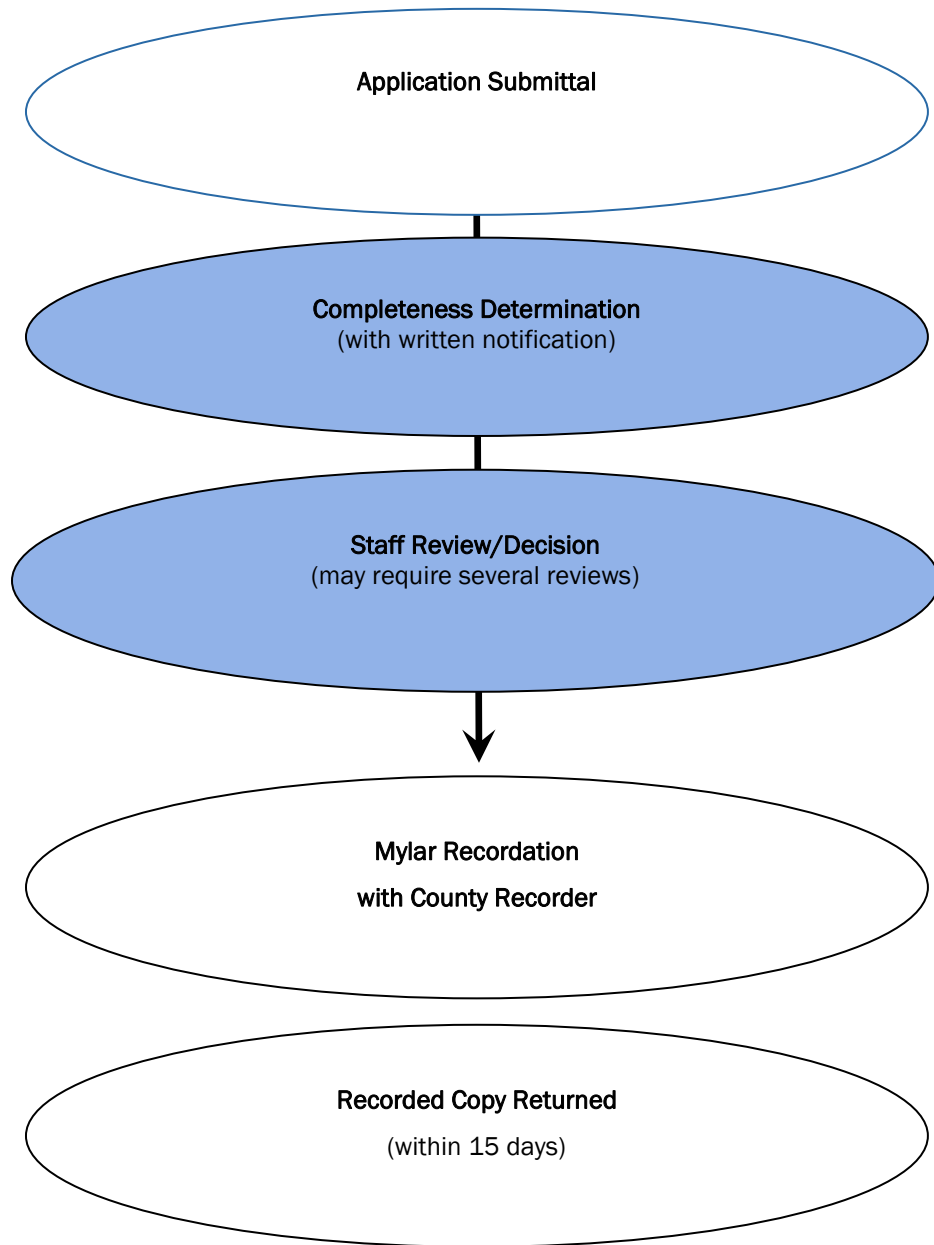


Figure B-9: Summary of the Tentative Map Process

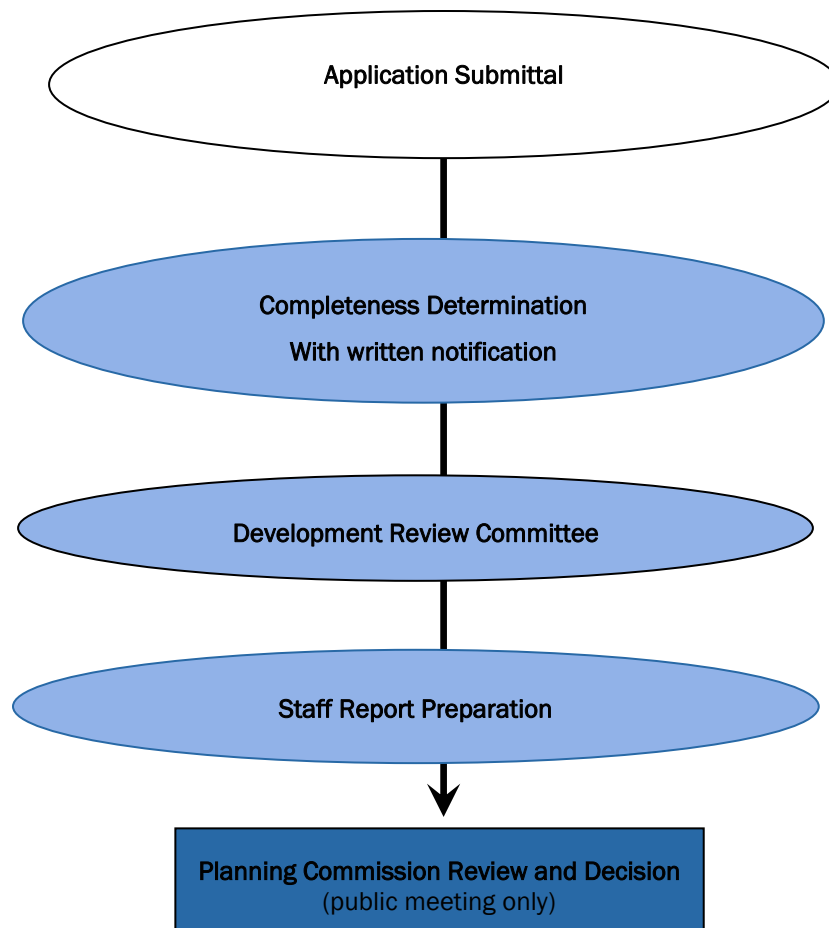


Figure B-10: Summary of the Final Map Process

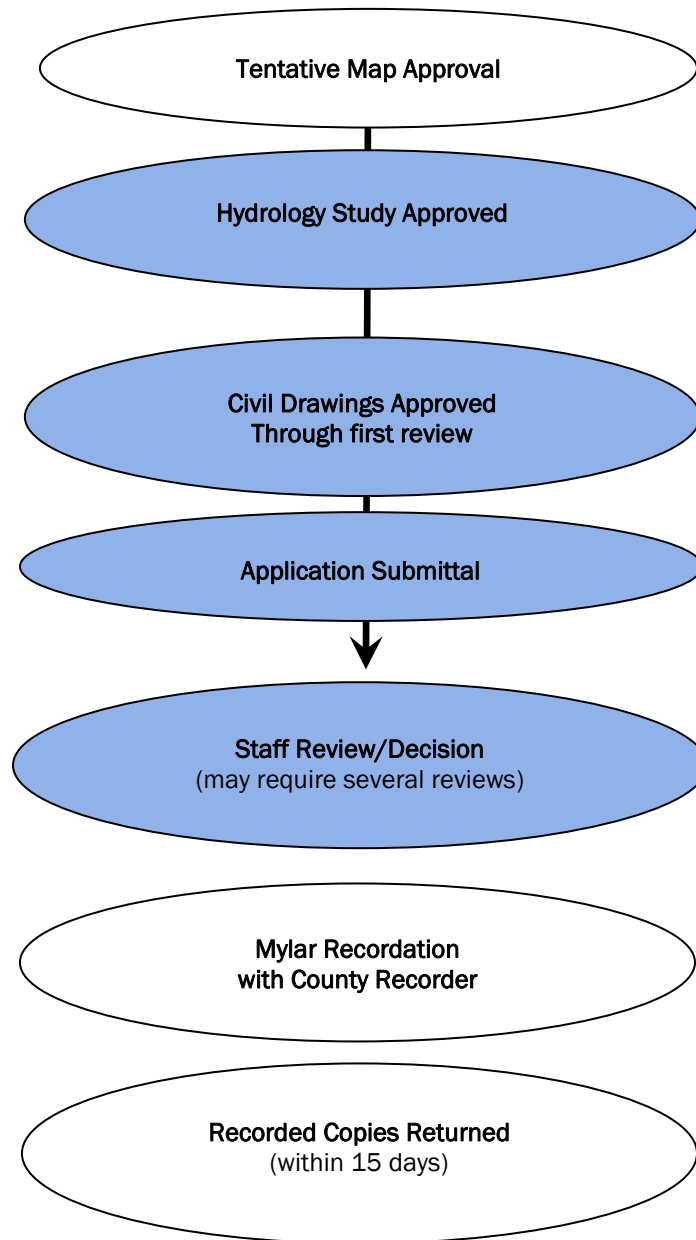


Figure B-11: Summary of the Reversion to Acreage Process

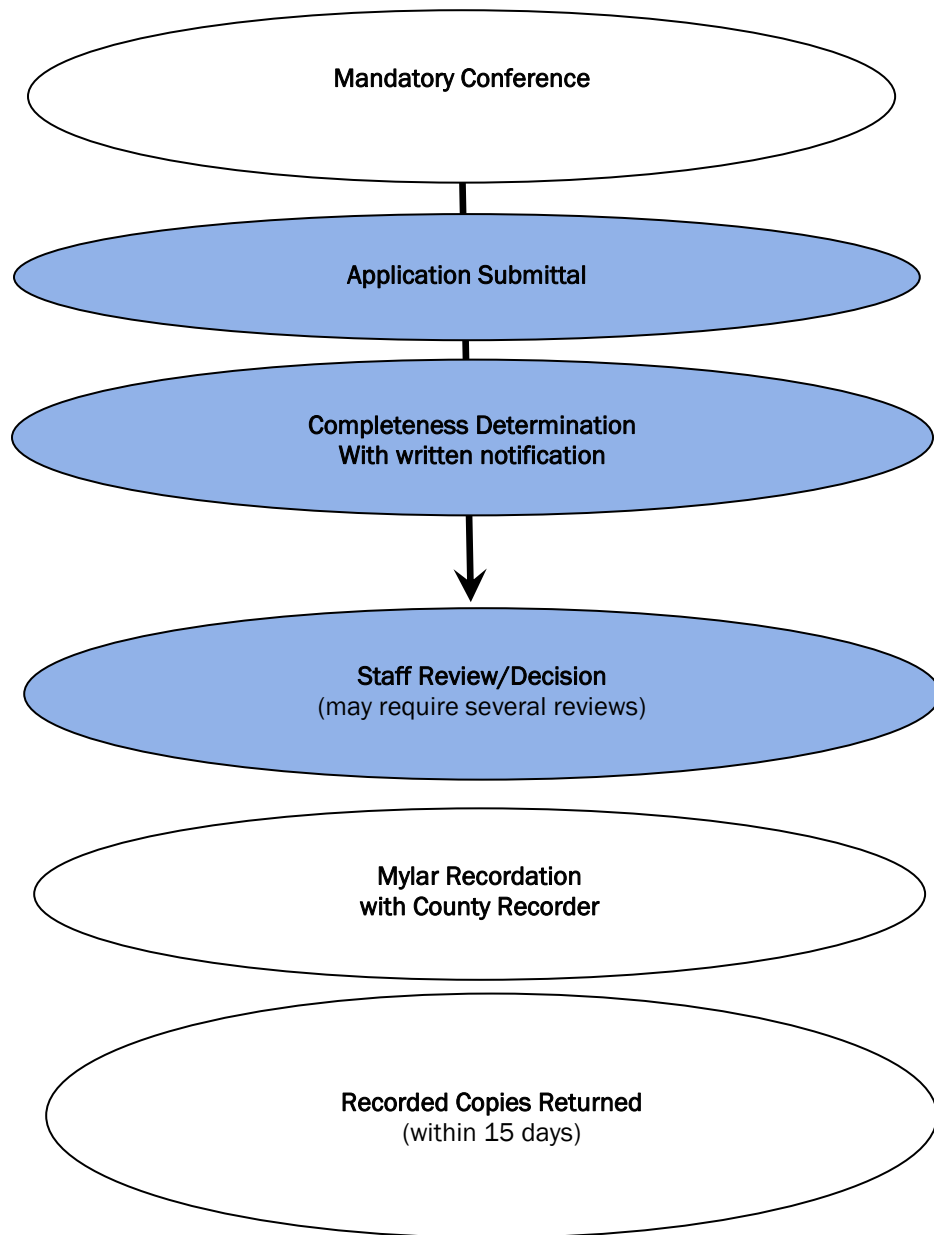


Figure B-12: Summary of Conditional Use Permit Process

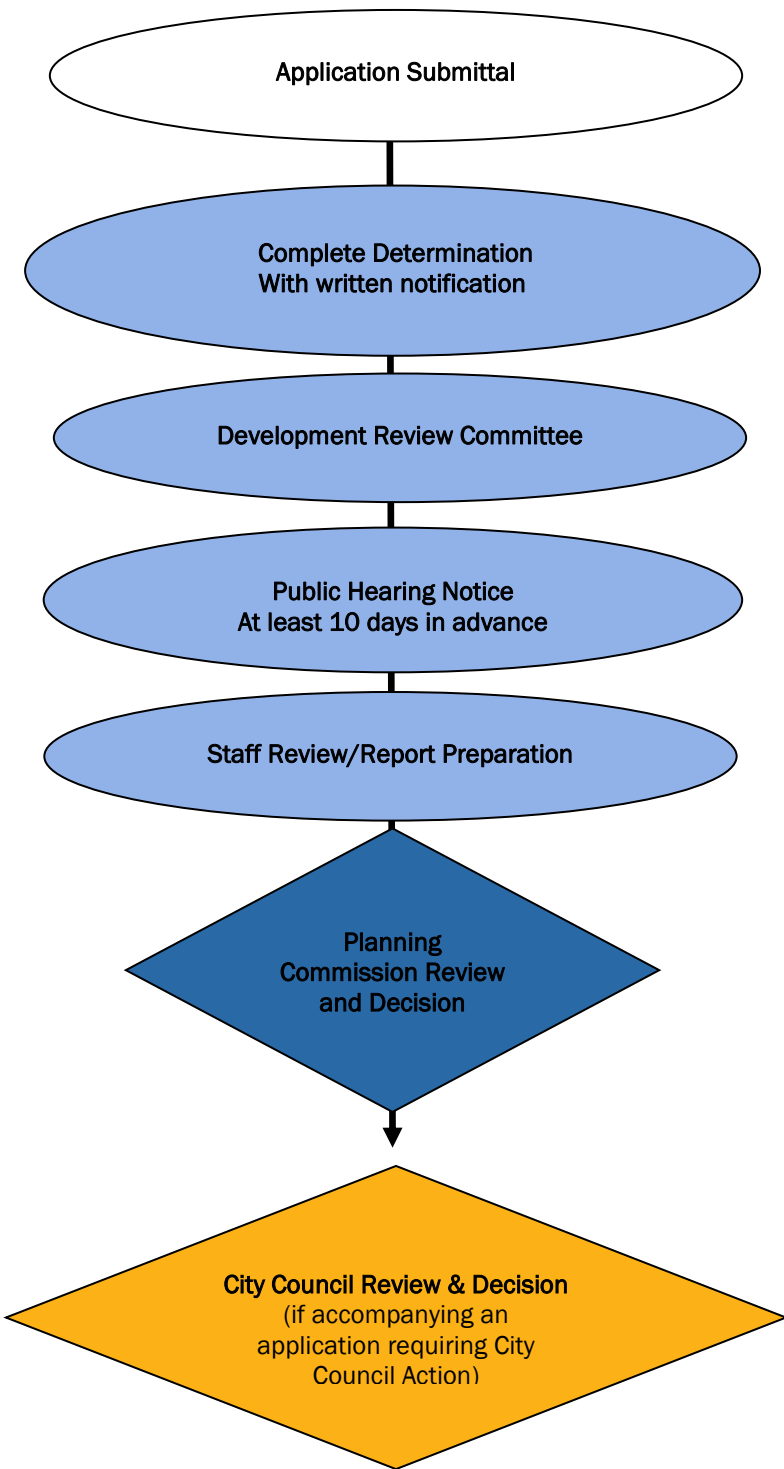


Figure B-13: Summary of Conditional Use Permit Process-Marijuana

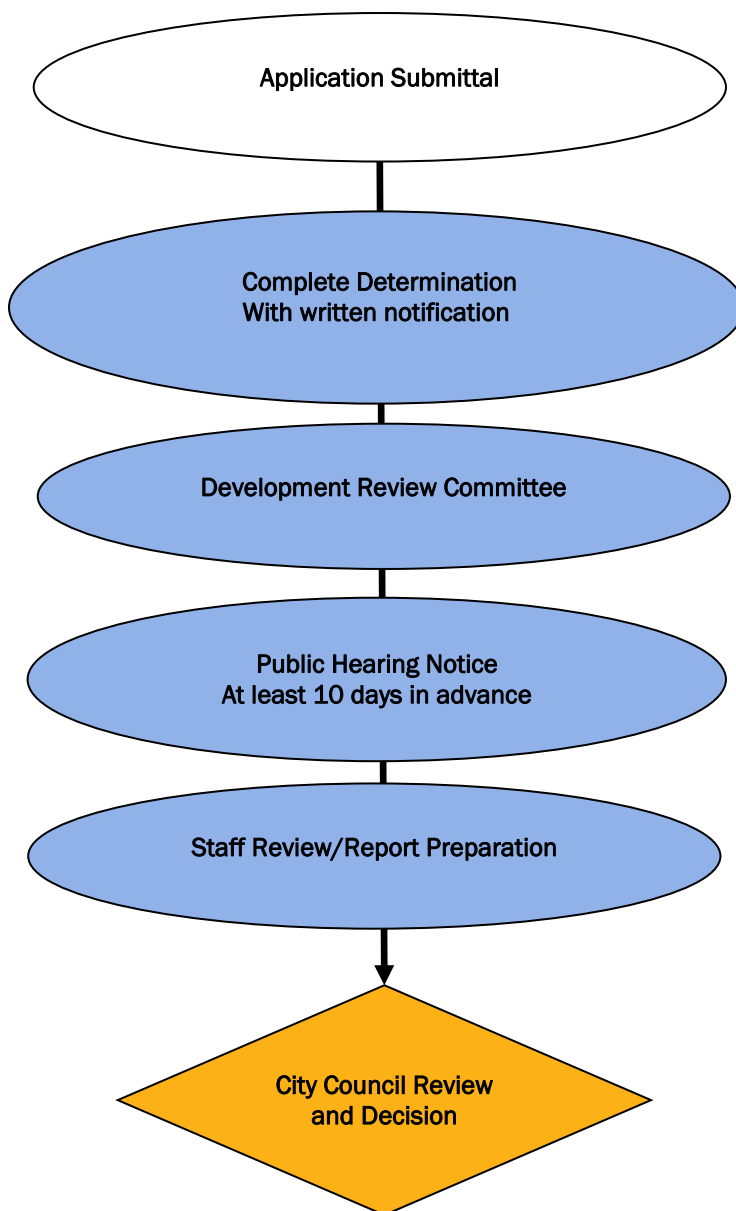


Figure B-14: Summary of the Design Review Process

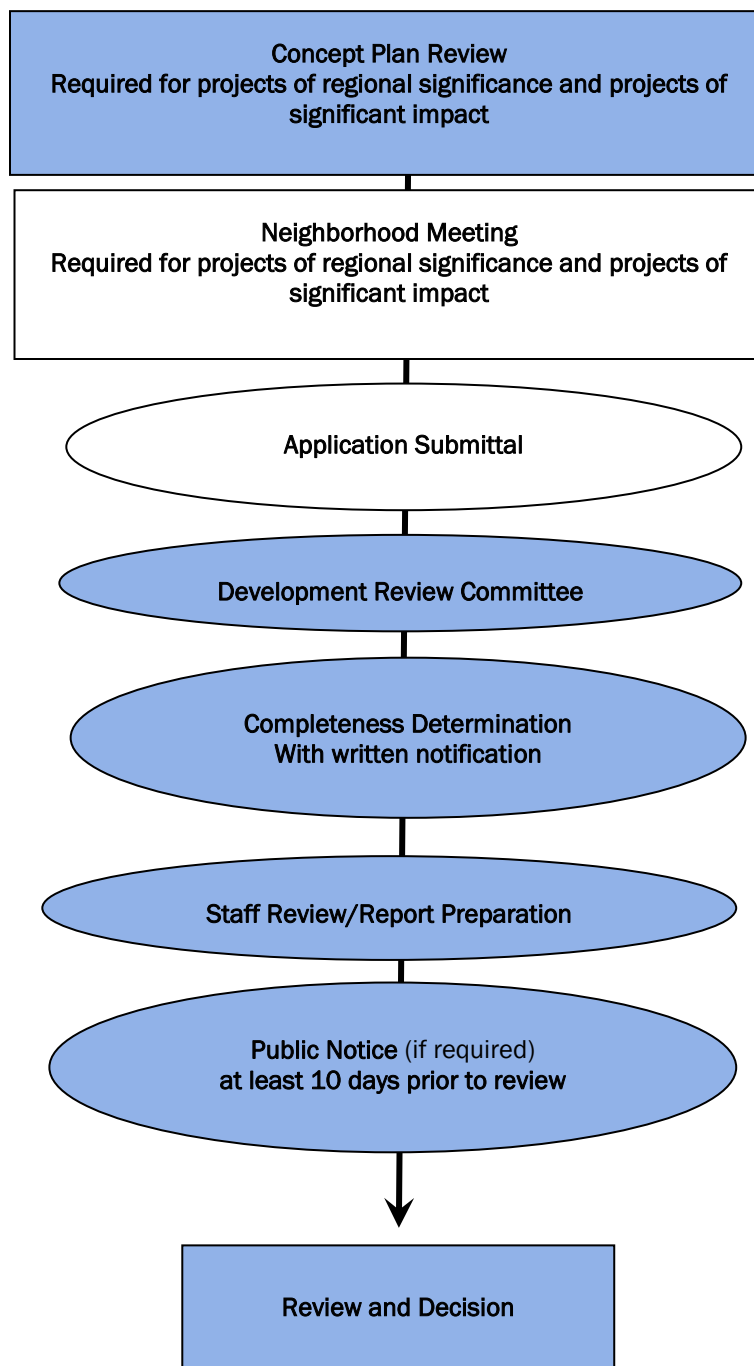


Figure B-15: Summary of Redevelopment Area Review Process

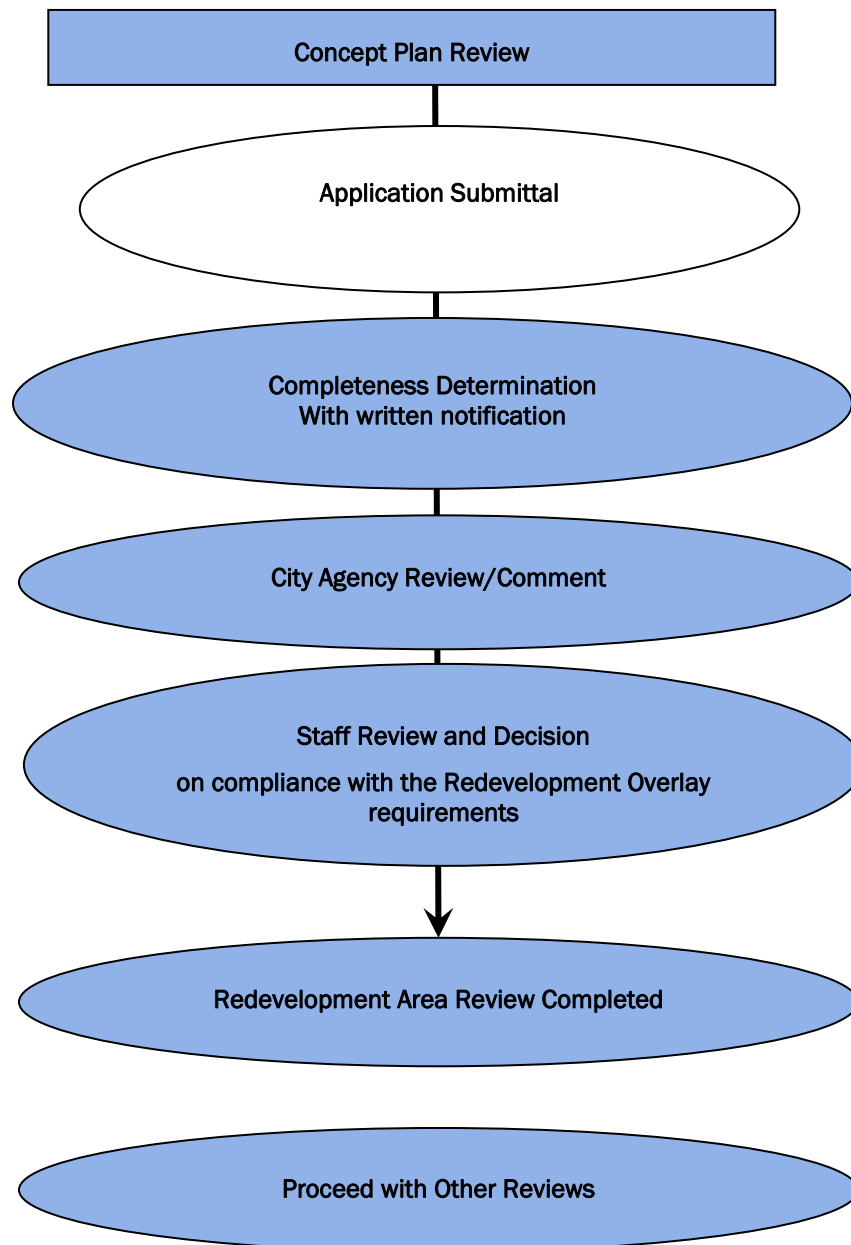


Figure B-16: Summary of the Temporary Use Permit Process

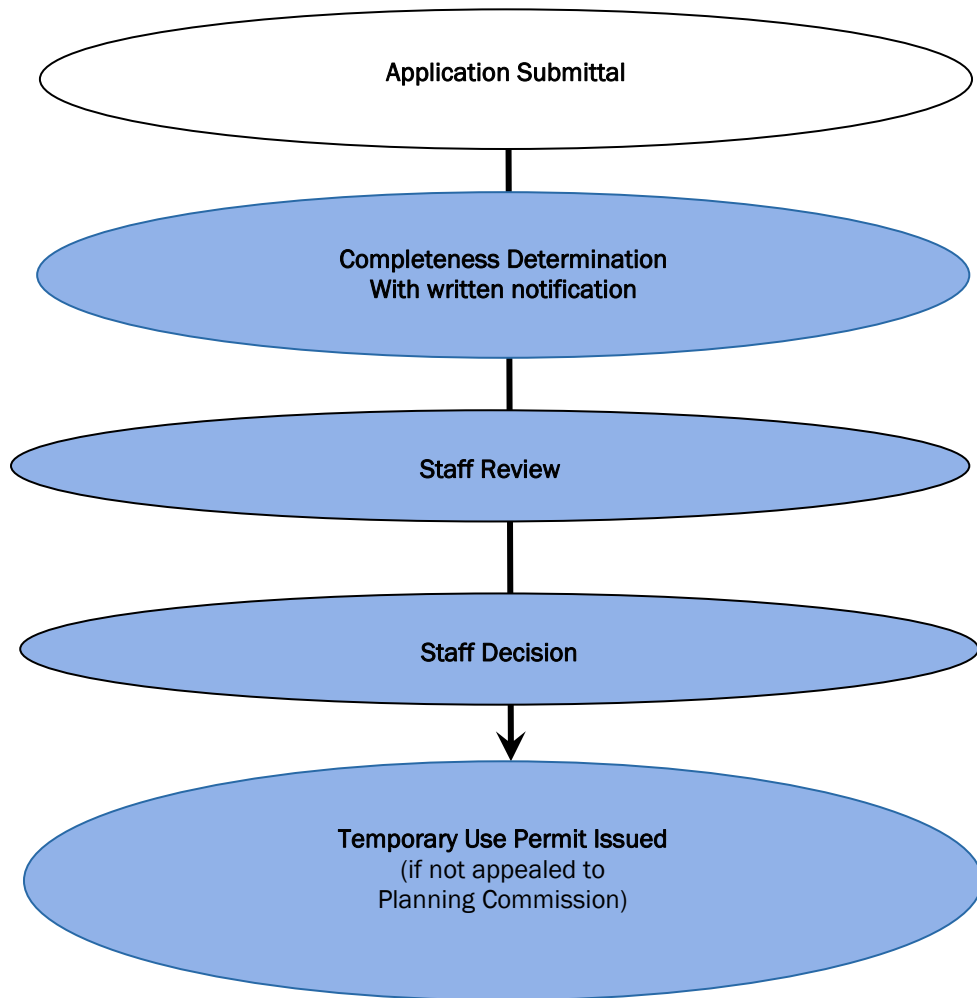


Figure B-17: Summary of Master Sign Review Process

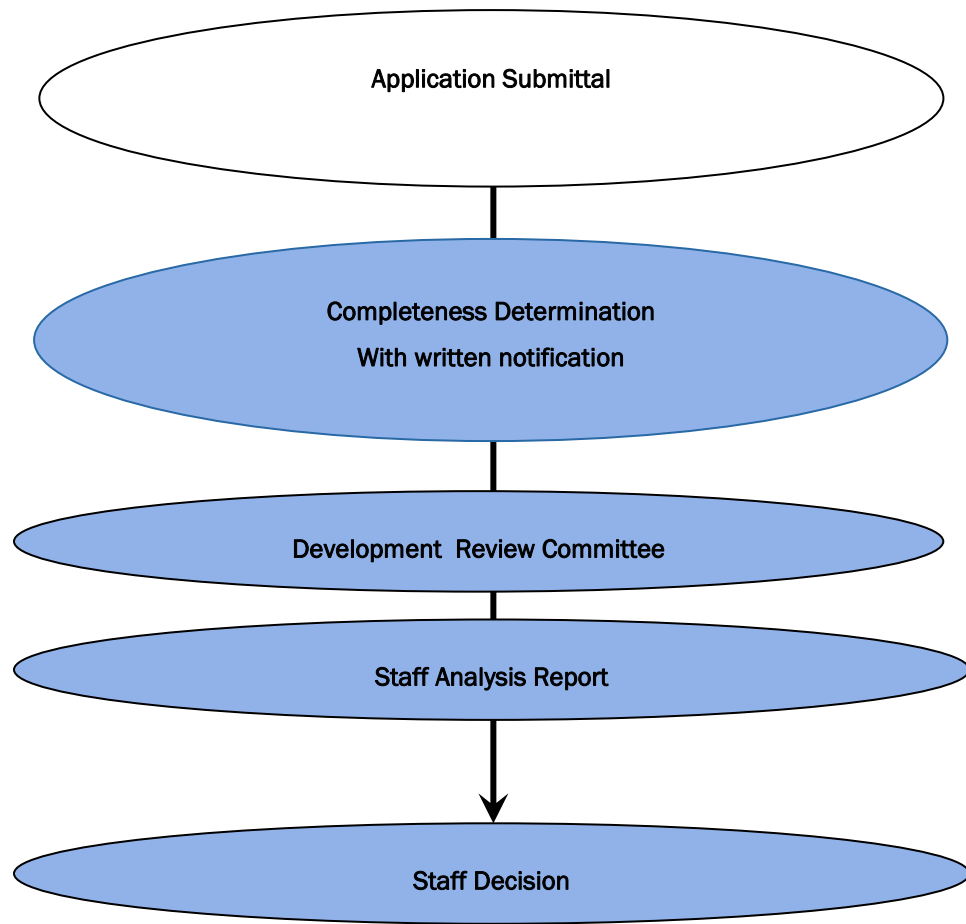


Figure B-18: Summary of Master Sign Plan with
Exception or Modification Review Process

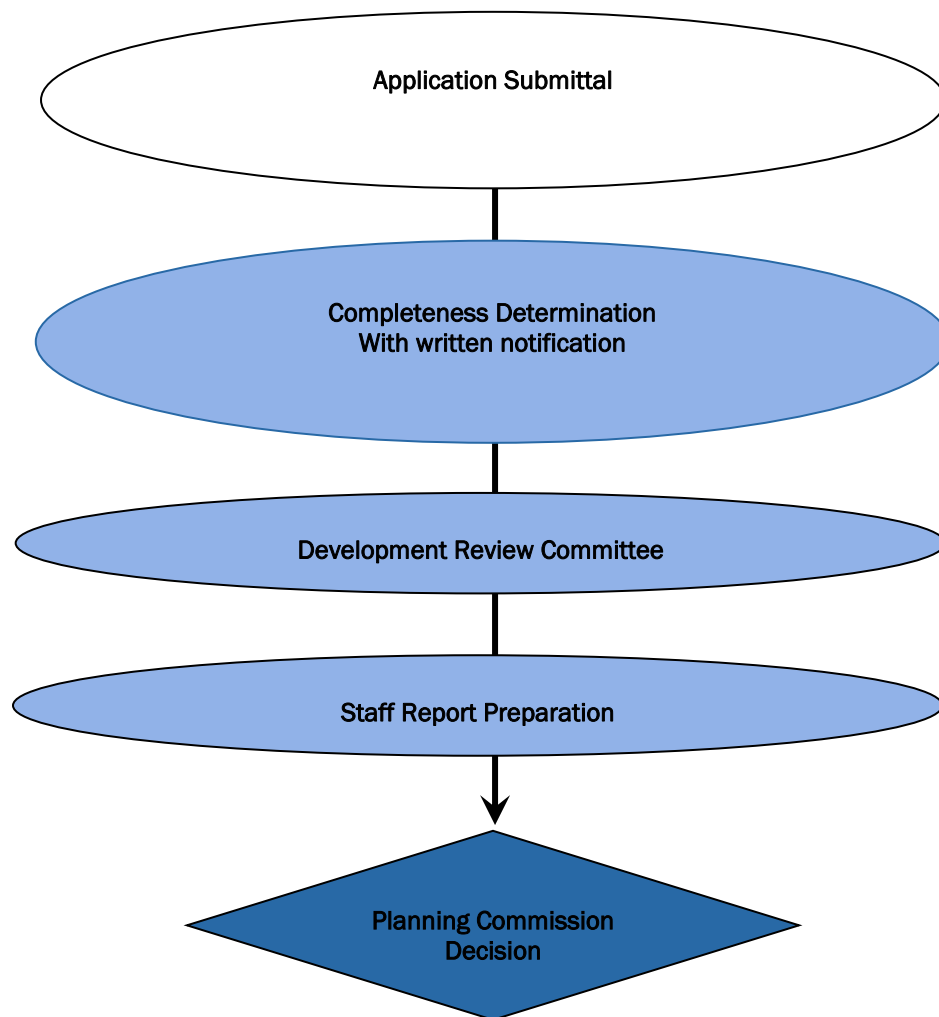


Figure B-19: Summary of Type I Vacation Process

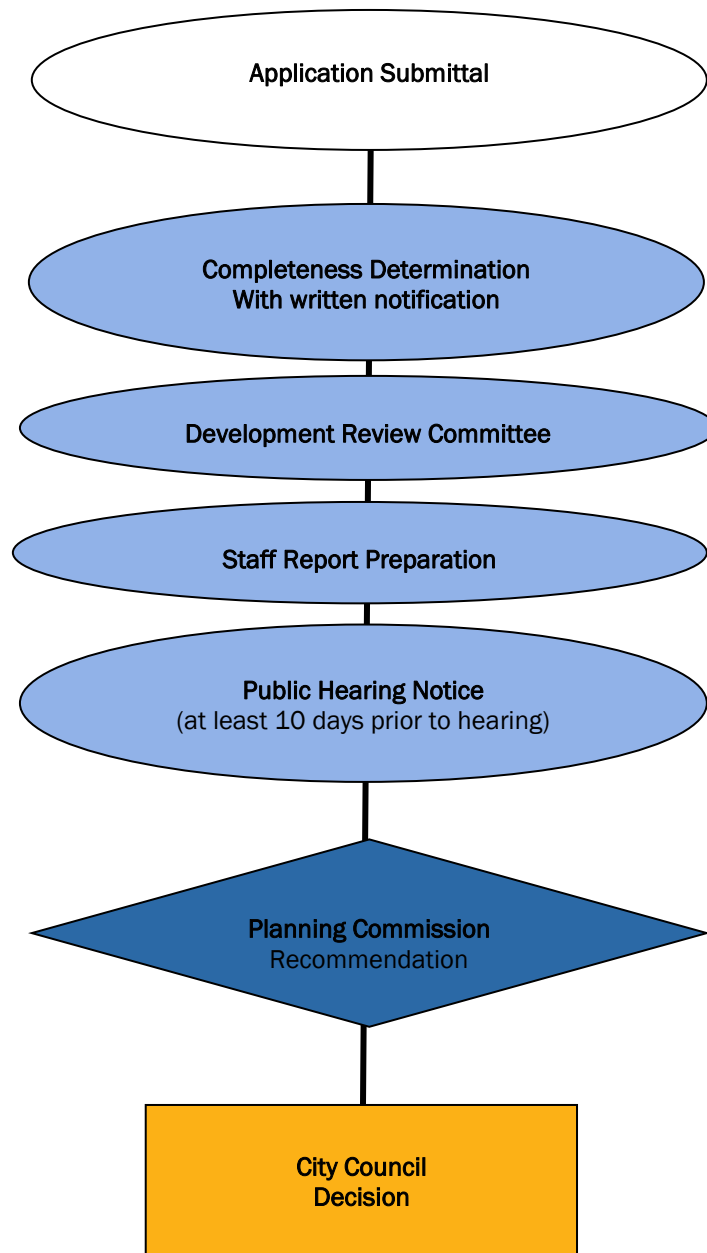


Figure B-20: Summary of Type II Vacation Process

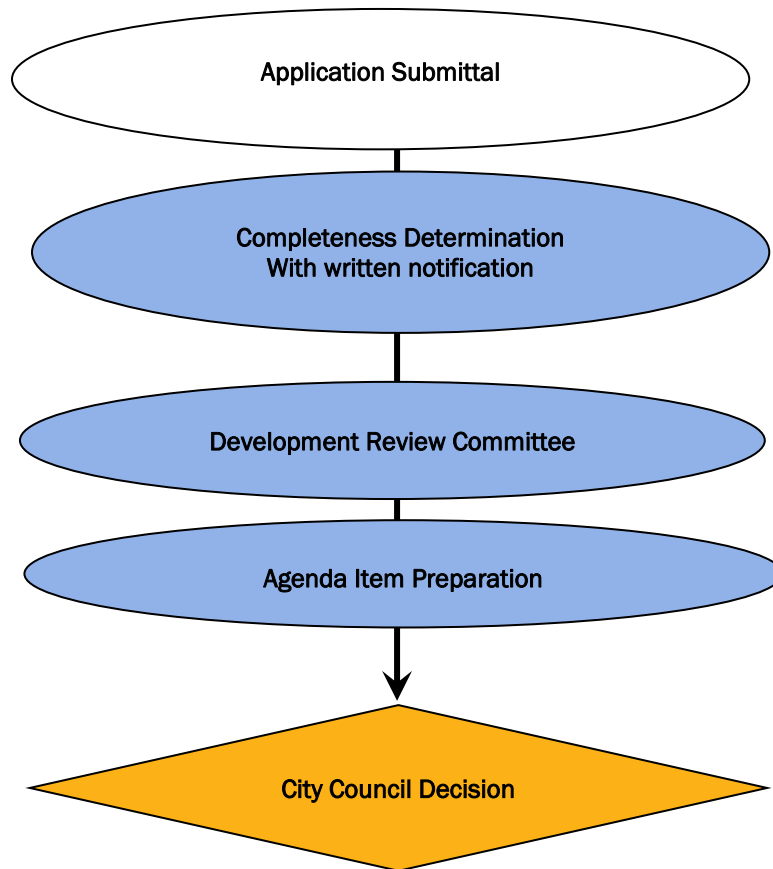


Figure B-21: Summary of Administrative Adjustment Process

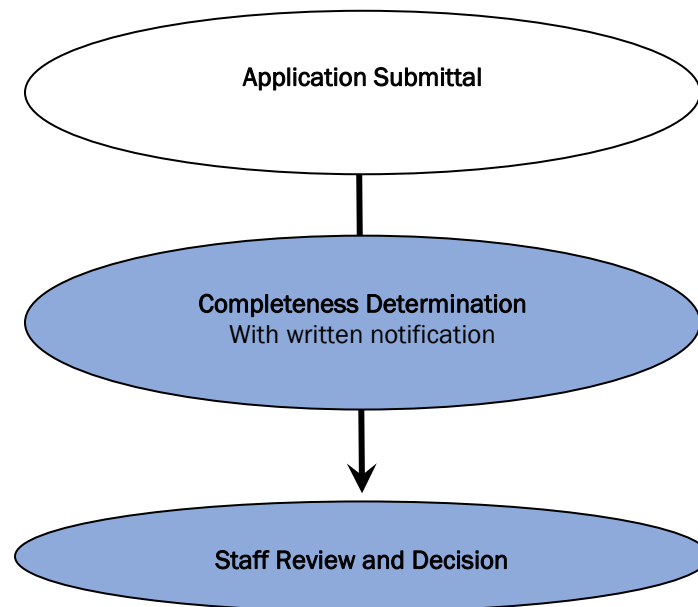


Figure B-22: Summary of the Variance Process

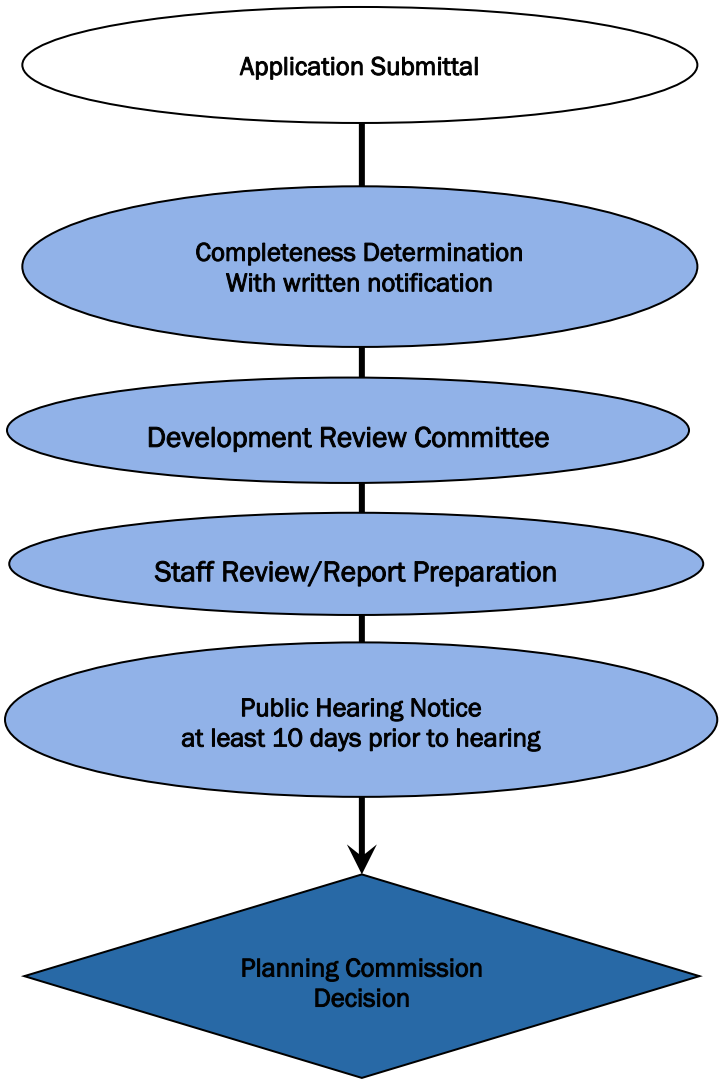


Figure B-23: Summary of the Appeal Process

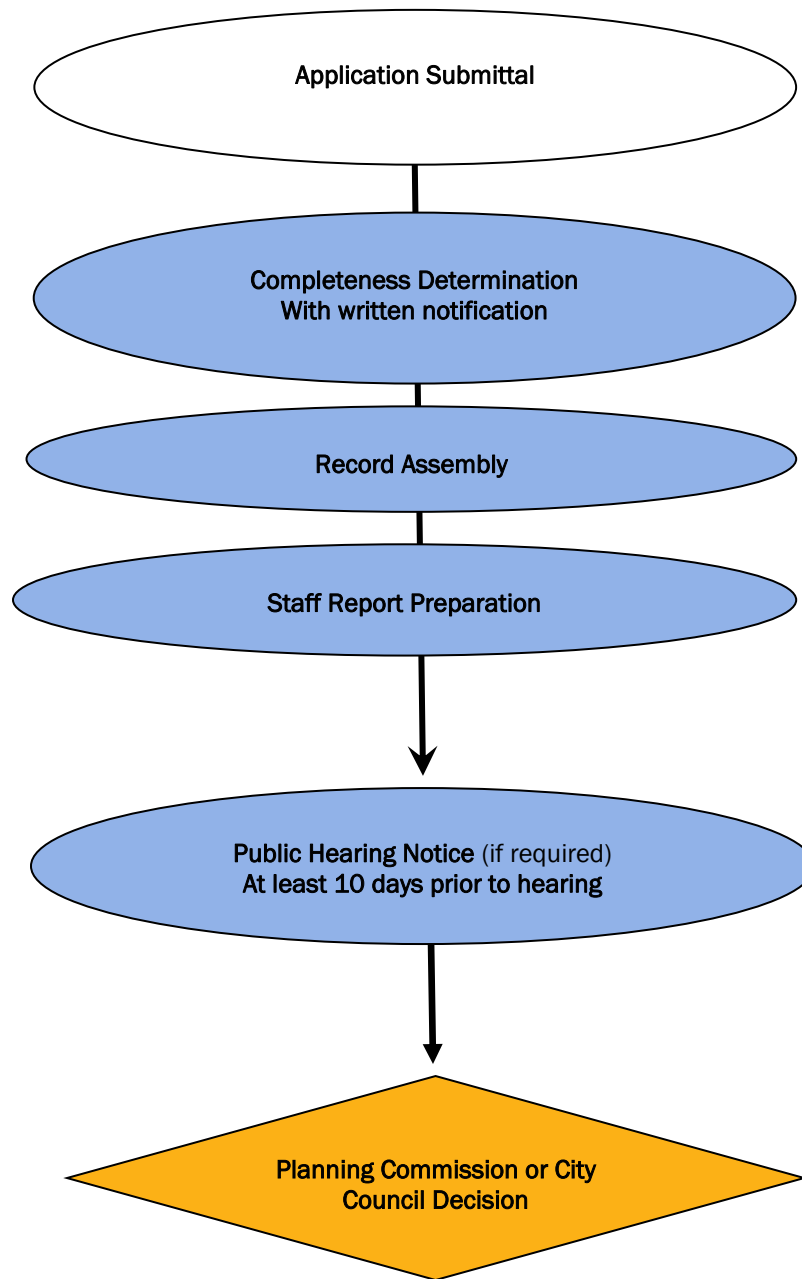


Figure B-24: Summary of Interpretation Process

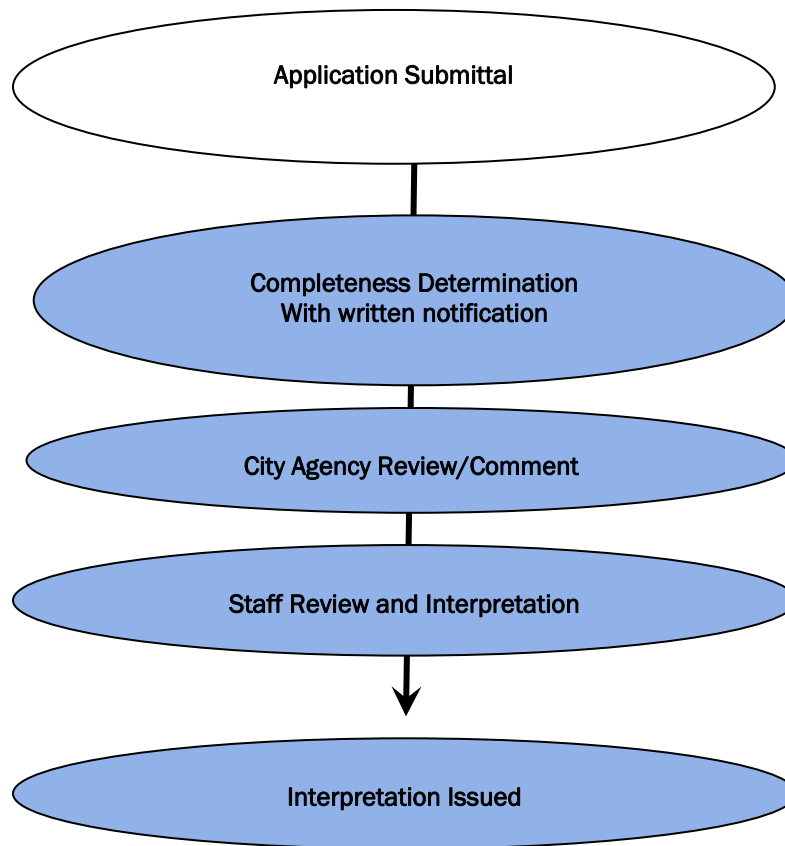


Figure B-25: Summary of the Waiver of Standards Process

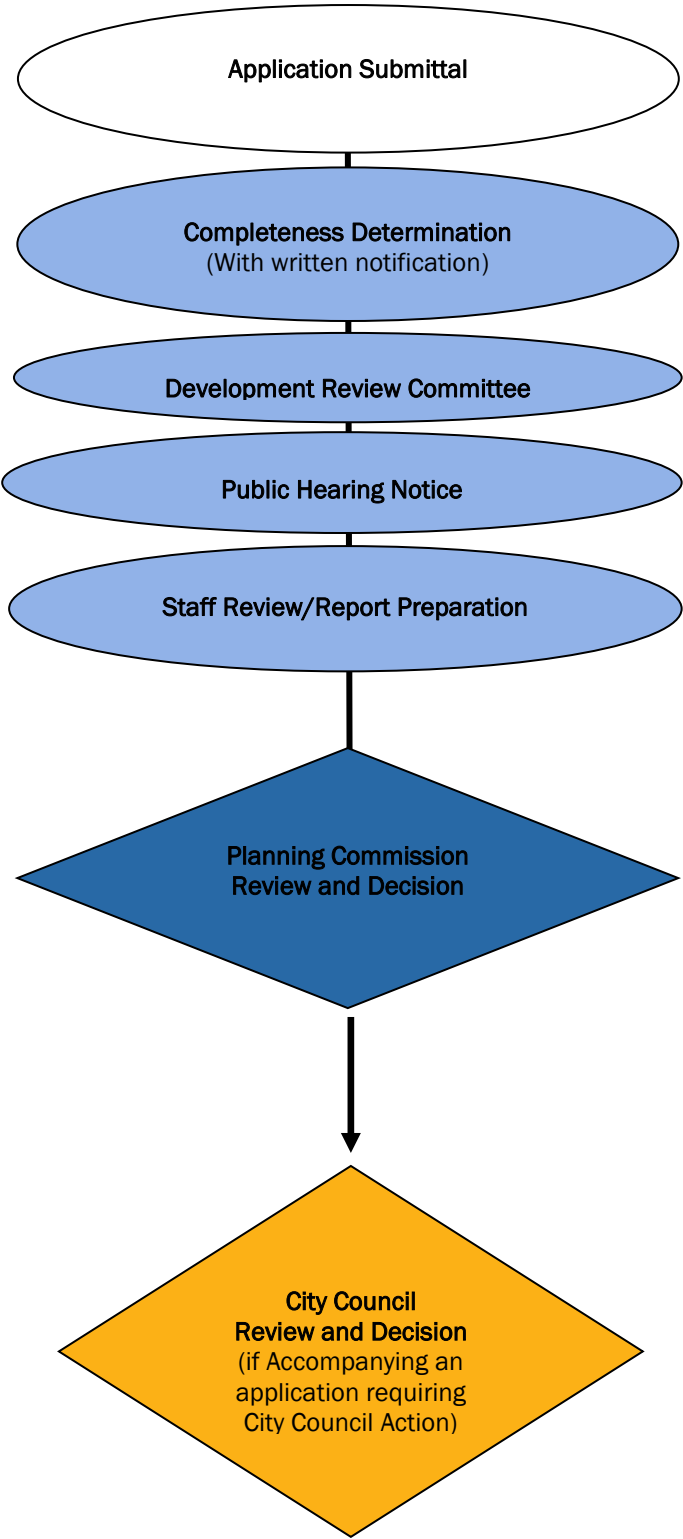


Figure B-26: Development Agreement Process

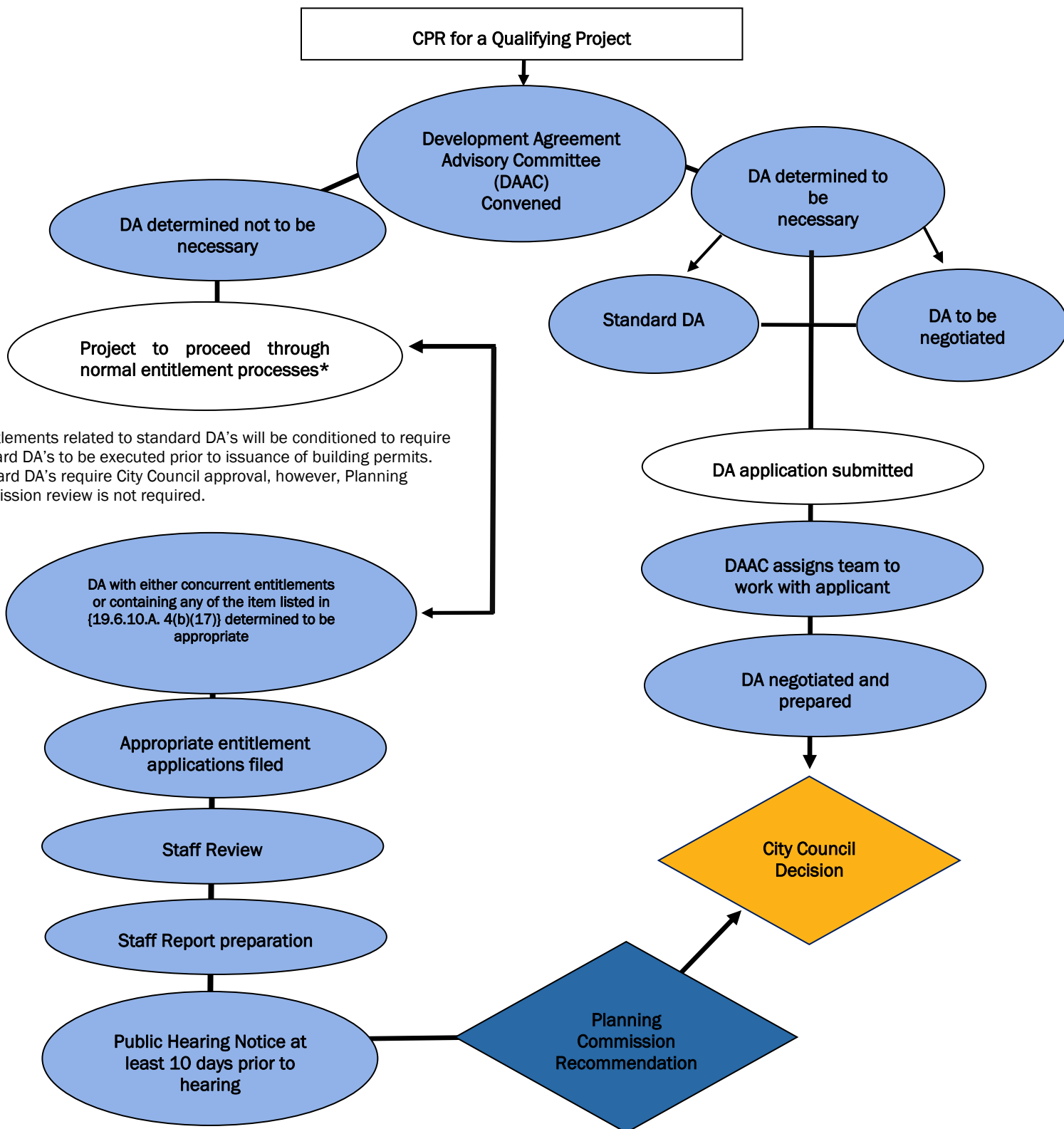
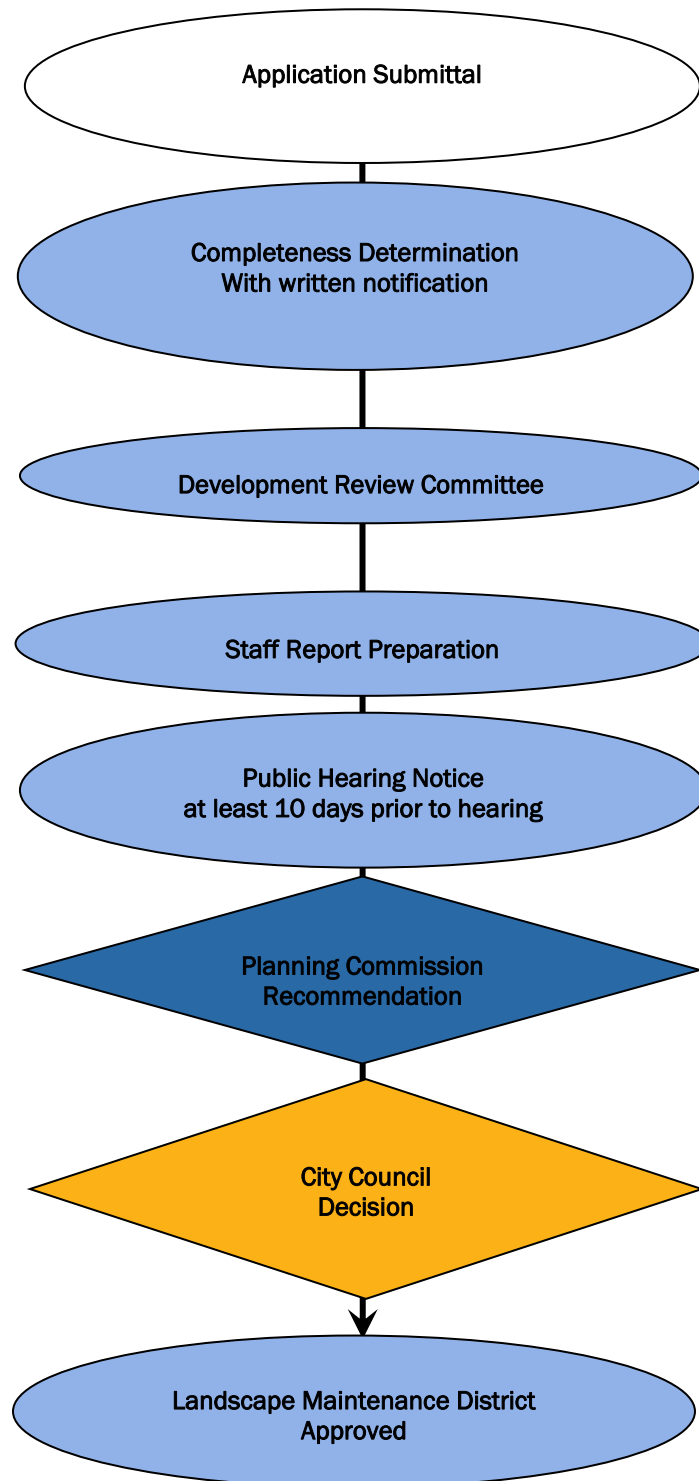


Figure B-27: Summary of Process for
Creating Landscape Maintenance Districts



Appendix C: Residential Architecture Styles

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Appendix C – Residential Architectural Styles

Introduction

A variety of residential architectural styles is one of the key elements necessary for a diverse community. Such variety is commonly achieved through the use of historic and regional styles that are recognizable to the average homebuyer. However, due to environmental factors, not every historic or regional American house style will necessarily be suitable to a desert community.

Formerly, architectural styles built within a region were influenced by numerous factors that included climate, building materials and technology, skills of available craftsmen, and pattern books. With respect to limitations of technology, homes were typically built in ways that mitigated the harsher elements of the regional climate. Homes in New England were built to provide warmer shelter from the cold, snowy winters while homes along the Gulf Coast homes in the hot, still, and sultry summers were built to stimulate cooling breezes within. The thermal mass of adobe or stone homes in extremely hot climates kept interiors cool in summer.

With the development of engineered materials and better technologies, particularly climate controls and insulation systems, the need to build regionally responsive architecture has diminished considerably. Thus, it is now possible to build a Cape Cod or English Tudor style home in just about any climate in the United States, regardless of how out-of-place or incongruous it may seem. While more temperate climates can accommodate a breadth of styles, extremely harsh desert climates where temperatures can range from periods in excess of 100° F in the summer to below freezing in the winter still present an environmental challenge to some less “indigenous” architectural styles when they are rendered in their most traditional exterior building materials.

Though aesthetic appropriateness of a particular style to the desert setting is a valid consideration, the primary limiter of what can be reasonably built is the suitability of the exterior materials, which in the Mojave Desert is commonly stucco and adobe brick. Due to the severe heat, exposed wood, even when painted, does not fare well, as it is prone to splitting and checking. As a result, acceptable architectural styles must be those that can make little or no use of exterior wood or make use of wood siding substitutes. However, some styles that might typically be associated with a predominant material, such as with wood shingles on a bungalow style house, also have precedent of being built with a stucco finish. Therefore, not every imported style need necessarily be excluded from consideration. Additionally, styles that make use of large eaves but that are not typically associated with the desert setting – e.g. bungalow and prairie – may provide welcome shade.

Homes in more recent developments throughout the greater Las Vegas metro area have made extensive use of stucco or stucco-like materials, but they have typically been stripped of stylistic elements or composed of a pastiche of elements that suggest no distinguishable style. The result in both cases is a bland homogeneity where neither house nor Village Parcel has much if any discernable differentiation from the next. With a limited palette of styles and materials, the threat of conformity continues, which is all the more reason why it is crucial to execute carefully, faithfully, and accurately the few styles that are compatible.

Authenticity of representation, therefore, is crucial, but it entails more than the use of characteristic details on a box that result in mere “stage set” architecture. Rather, authenticity must be reflected in the massing of the building, in proper roof forms and materials, as well as in the characteristic details.

Furthermore, floor plan designs should be complementary and integrated with the massing and style of the home. Conversely, homes that rely on superficial style applications and cliché detailing will not

satisfy design review.

The following architectural styles that are encouraged in Henderson include:

- | | |
|-----------------------------|--------------------------------|
| 1. Pueblo Revival | 11. Brownstone |
| 2. Mission Revival | 12. Desert Contemporary/Modern |
| 3. Spanish Colonial Revival | 13. American Traditional |
| 4. Monterey | 14. Traditional Ranch |
| 5. Tuscan | 15. Southern Italian |
| 6. Andalusian | 16. Mediterranean |
| 7. Prairie | 17. Contemporary |
| 8. Art Moderne | 18. Mid Century |
| 9. Craftsman | 19. Modern Rambler |
| 10. Bungalow | 20. Modern Farmhouse |

The above list is not, however, meant to be exhaustive. Other architectural styles are subject to review and approval by the City. Also, the following descriptions are meant to be prescriptive and should be used as a starting point. They aim to provide information that is specific enough to guide development toward producing a high-quality community yet flexible enough to allow for creative design solutions.

These styles have a rich history, and the brief descriptions included below cannot possibly include the many nuances and breadth of details to be found within authentic examples of a given style. Designers and architects should, therefore, complement this section with additional research and draw inspiration from historical examples. They are also encouraged to include their examples in architectural design presentation materials to demonstrate the authenticity of their designs.

1. Pueblo Revival

Pueblo revival derives its cues from Native American and Spanish Mission architectural traditions. Beginning in the late 1890s, the Pueblo Revival movement sought to develop a distinctive architecture for the developing southwestern United States and was based on traditional, rural, and rustic forms of the historic Southwest. Chunky looking Pueblos emerged around 1900 in California, though the style is most widely associated with New Mexico and Arizona. In fact, it is an officially required building style in some southwestern communities such as historic parts of Santa Fe, New Mexico.

Original pueblos were effective shelter against the desert climate. The thermal mass of their thick adobe walls absorbed solar heat during the day and released it at night, and the small, deeply set windows, which were shaded by an extended porch roof, kept out direct sunlight and searing breezes. Contemporary construction employs either real or “substitute” adobe and is rendered with soft, slightly rounded wall edges and a smooth stucco finish that emulates the original mud finish. Substitute adobe construction could include concrete block or wood-framed structures covered with smooth, tinted stucco. Other notable features of these homes include flat or shallow sloped roofs hidden behind parapets and real or false heavy wood “vigas,” roof beams that project through to the exterior surface.

Pueblo Revival Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Rectilinear and stacked in overlapping configurations.❑ Upper stories are stepped and terraced to resemble the Native American habitats.❑ Center courtyard with portales (porches with log posts and carved wood brackets)
Roof	<ul style="list-style-type: none">❑ Flat or shallow sloped.❑ Hidden from view by parapet walls.
Walls	<ul style="list-style-type: none">❑ Thick appearance❑ Smooth stucco plaster finish❑ Irregular rounded edges❑ Parapets
Windows	<ul style="list-style-type: none">❑ Small and few❑ Deeply set❑ Casement type (vs. double-hung sash)❑ Square or rectangular (no arches, curves)
Details	<ul style="list-style-type: none">❑ Protruding vigas (roof beams)❑ Heavy vertical plank doors❑ Simple and barren of overtly decorative elements
Color	<ul style="list-style-type: none">❑ Natural earth-tones

Pueblo Revival Home Examples



2. Mission Revival

Mission Revival, also known as Spanish Mission Revival, originated in California in the late 19th century and is based on 17th and 18th century Spanish colonial architecture, particularly churches (missions) and “haciendas” of the American southwest. Considered by some to be the appropriate style for the southwest, entire California towns were constructed in the Mission Revival Style. Largely due to builder’s guides and pattern books, it eventually spread to just about every part of the United States by the early 20th century.

Like the Pueblo Revival Style, Mission Revival makes use of smooth stucco as a primary exterior material. However, brick, stone and even exposed (or painted) adobe brick are also found as primary or secondary materials. Also like Pueblos, Mission Revival makes use of some flat roofs and parapets, though it is at roughly this point that the two styles diverge, and the mission influences enter in the form of subtle yet overtly more decorative features such as red tile roofs, sculptural and rounded arches, curvilinear Dutch-like gables with copings, mock bell towers, and decorative tiles.

Mission Revival Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Simple❑ Square or rectangular in plan❑ 1½ to 2½ stories
Roof	<ul style="list-style-type: none">❑ 4:12 to 6:12 roof pitch❑ Red, green or orange ceramic tiles (S or barrel shaped)❑ Primarily gable with some hip❑ Some flat roofs with straight or serpentine parapet walls, particularly at entrances and porches❑ Curvilinear gable dormers❑ 18” to 24” overhangs with exposed rafter tails
Walls	<ul style="list-style-type: none">❑ Smooth stucco, may have soft trowel undulation❑ Thick appearance❑ Curvilinear parapets and gables with stone or concrete copings❑ Little or no surface decoration
Windows	<ul style="list-style-type: none">❑ Deep set casement and double-hung sash, usually divided lite❑ Various sizes and shapes, sometimes with sculpted tops❑ Often grouped❑ Sometimes arched❑ Sometimes quatrefoil-shaped
Details	<ul style="list-style-type: none">❑ Arcaded porches, sometimes supported by square pillars or twisted columns❑ Portales (porches along the outside of a house with posts and carved supports)❑ Wrought iron balconies❑ Heavy wooden doors❑ Enclosed patios❑ Mock mission features such as bell towers
Color	<ul style="list-style-type: none">❑ White, beige, grayish or pale green for walls❑ Dark earth-tones for windows and doors

Mission Revival Home Examples



3. Spanish Colonial Revival

Spanish Colonial Revival evolved from the Mission Revival style, but its Hispanic California mission references are replaced with other, primarily Mediterranean, influences: late Moorish architecture, medieval Spanish and Italian ecclesiastic architecture, baroque design of colonial Spain and Portugal, rural Spanish forms, and Italian Romanesque and Renaissance revival elements.

As such an eclectic catalog of Mediterranean features, this style is much more open to interpretation. Spanish Colonial Revival homes can range from an informal, rural austerity to a very formal, ornate composition. Individual items – e.g. ultra-baroque entry decoration – can be displayed in pure form or an entire house can portray faithful rendering of a single style source. However, the success and popularity of this style is its ability to draw from a broad source base and combine the eclectic elements with convincing harmony. Despite this eclecticism, Spanish Colonial Revival does have some fairly common attributes.

Spanish Colonial Revival Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none"> ❑ Generally though not always asymmetrical ❑ Two-story massing with prominent one-story element ❑ Often L or U-shaped and focused on a courtyard ❑ Vertical elements with separate roof
Roof	<ul style="list-style-type: none"> ❑ Shallow roof pitch (4:12 to 5:12) ❑ Red tiles (S or barrel shaped) ❑ Predominantly gable and shed, some hip ❑ Tight rakes (0" or 6" overhangs) ❑ Eave overhangs of 0" and deeper, depending on style source ❑ Exposed eave rafter tails, depending on style source ❑ Copper gutters and downspouts (if used) ❑ Shed roof at entry and/or porch
Walls	<ul style="list-style-type: none"> ❑ Smooth stucco preferred; may have soft trowel pattern ❑ Thick appearance ❑ Corbelling or trim (molding) shapes along roof lines ❑ Patterned tile decoration or sculptural "stone" relief inserts ❑ Applied decorative elements (pilasters, quoins, etc.)
Windows	<ul style="list-style-type: none"> ❑ Vertical divided light casement, single-hung or double-hung windows ❑ Various sizes and shapes, though generally rectangular ❑ Often arched, sometimes in pairs or threes ❑ Typically deep-set ❑ Recessed feature windows to express wall thickness ❑ May include accent surrounds (stone, stuccoed molding, decorative tile)
Details	<ul style="list-style-type: none"> ❑ Arcaded porches, sometimes supported by columns ❑ Wrought iron or painted metal features (e.g. balconies, window grills, spear awnings, other ornament) ❑ May have limited classical order detail elements ❑ Round tile or stacked barrel tile attic vents in gables ❑ Sculpted walls and chimneys
Color	<ul style="list-style-type: none"> ❑ Generally white or very light earth tones for walls ❑ Darker earth-tones for accent trim or elements (e.g. shutters) ❑ White or deep jewel tones of red, green, or blue for windows and doors.

Spanish Colonial Revival Home Examples



4. Monterey

This style is a relative of the Mission and Spanish Colonial styles. Its emergence is generally attributed to a Boston merchant who relocated in the mid-19th century to California and combined the boxy New England Colonial architecture prevalent in the 1800s with the one-story Mission period adobe brick houses found in Monterey at the time. Later versions of the style more or less evolved into a merger of Spanish Colonial Revival and Colonial Revival styles.

This marriage of styles and forms established a defining feature of the new style: a second floor with a large cantilevered covered balcony. In the contemporary version of the Monterey, balcony railings are generally rendered in wood or iron and the balcony rests on large protruding “floor” timbers or corbels. The roofs are low pitched, gabled and covered with shingles, though plenty of examples display red barrel tiles, and exterior walls of stucco, brick, or lap siding. Many examples use a single exterior material, but others may use a second material in gables or on second story walls.

Monterey Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Simple box-like forms❑ Two-story but may have a one-story element(s)❑ Second-story roofed balcony across all or most of the front, often cantilevered
Roof	<ul style="list-style-type: none">❑ Predominantly gable roofs with limited use of shed and hip❑ Shallow main roof pitch (4:12 to 6:12)❑ Balcony roof is either an extension of main roof pitch or breaks over balcony to shallower slope (3.5:12 to 5:12)❑ Flat concrete tiles, shakes, barrel or S tiles❑ 0” to 12” rake overhangs❑ 12” to 24” eave overhangs
Walls	<ul style="list-style-type: none">❑ Smooth stucco or a combination of stucco with brick or stucco with horizontal lap siding❑ Horizontal siding accents at gables and second stories
Windows	<ul style="list-style-type: none">❑ Vertical windows (single or double-hung) with standard divided lite configurations❑ Generally square or rectangular❑ Typically deep set (when in stucco walls)❑ May include simplified colonial style window and door trim❑ Extensive use of shutters
Details	<ul style="list-style-type: none">❑ Wood (or substitute) balcony and corbels (when cantilevered) with simple wood (or substitute) or metal railing❑ Brick or stucco chimney with top trim detail❑ Round tile attic vents in gables❑ Decorative wrought iron accents❑ Recessed accent windows (in stucco)❑ Arched or sloping stucco fin walls
Color	<ul style="list-style-type: none">❑ Generally white or light toned stucco❑ White or dark brown trim and balcony❑ Dark colors on doors and shutters❑ Unpainted brick accents

Monterey Home Examples



5. Tuscan

The Tuscan Style is a more recent development intended to introduce a distinctive style that lends greater variety to home construction by making use of specific historical antecedents that by virtue of their geography, climate and materials, respond well to southwestern climates. In this case the precedent is the rural farmhouse of Tuscany.

With its rustic roots, the Tuscan style is typically an informal arrangement of relatively boxy forms whose key visual interest derives from its use of course natural materials juxtaposed against the smooth ochre colored stucco that ranges from yellows to reds. They typically have hip roofs with deep overhangs and shaped rafter tails (or soffits with scrolled wood brackets). Roof material is red barrel tile, often with color variations that give it a mottled effect. The can also have expressed separately hip-roofed vertical elements that may even have a decorative finial in the center. Generally, this style is devoid of ornament, and when decoration is used, it is typically very understated.

Tuscan Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none"> <input type="checkbox"/> Simple geometric massing <input type="checkbox"/> Informal arrangement <input type="checkbox"/> Sometimes courtyard oriented
Roof	<ul style="list-style-type: none"> <input type="checkbox"/> Primarily hip with occasional gables, cross gables, or sheds <input type="checkbox"/> Shallow pitched (4:12 to 5:12) <input type="checkbox"/> Red clay or concrete barrel or “S” tiles, preferably with color variations for mottled appearance <input type="checkbox"/> Also, terra-cotta hip pantiles with overlapping barrel tiles <input type="checkbox"/> Tight rakes (0” to 6”) <input type="checkbox"/> Deep eaves (12” to 18”) with shaped rafter tails <input type="checkbox"/> Copper gutters and downspouts (when used)
Walls	<ul style="list-style-type: none"> <input type="checkbox"/> Significant use of field stone veneer, either irregular or more ashlar-type pattern <input type="checkbox"/> Primary walls of either field stone or stucco (smooth or light lace)
Windows	<ul style="list-style-type: none"> <input type="checkbox"/> Vertical windows (casement or single hung) with standard divided lite configurations <input type="checkbox"/> Generally rectangular <input type="checkbox"/> Typically deep set
Details	<ul style="list-style-type: none"> <input type="checkbox"/> Rustic materials (e.g. wood lintels at openings in stone faced walls) <input type="checkbox"/> Some brick accents (e.g. lintels and sills) <input type="checkbox"/> Entrance with contrasting cast stone or other accent material conveying wall thickness, often arched <input type="checkbox"/> Entry courtyard <input type="checkbox"/> Limited decorative ironwork (e.g. window grills, gates, hinge straps) <input type="checkbox"/> Occasional use of plank shutters
Color	<ul style="list-style-type: none"> <input type="checkbox"/> Generous use of stone veneer <input type="checkbox"/> Individual palettes may vary from light grays to ambers and rusts but each should contain mottled color variation <input type="checkbox"/> Stucco in rich earth tone shades, typically yellow, orange, or red ochres

Tuscan Home Examples



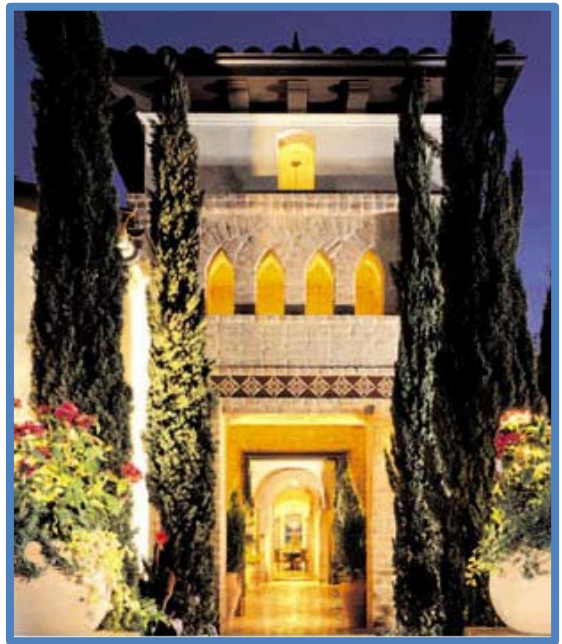
6. Andalusian

Andalusian Style homes share much in common with the Tuscan Style described above in that it, too, is a fairly recent “invention” aimed at applying distinctive elements of historical and regional architecture to create a style that will add diversity to the southwestern residential streetscape. The style sources in this case are the Hispanic, Moorish, classical, and even baroque architectures of southern Spain.

This style makes use of boxy, asymmetrical massing in a combination of one and two-story elements. Appearance can range from simple and rustic to formal and ornamental. While sharing many details with other Mediterranean influenced styles (shallow pitched tile roofs, ornamental wrought iron, stucco walls), what differentiates Andalusian is the application of slurried brick and a unique ornamental flair provided by the use of decorative tiles, brick surface detailing, and a variety of arch styles.

Andalusian Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none"> <input type="checkbox"/> Asymmetrical building massing, one and two-stories <input type="checkbox"/> Entry courts or courtyards <input type="checkbox"/> Second floor cantilevered elements
Roof	<ul style="list-style-type: none"> <input type="checkbox"/> Hip, gable or a combination of both <input type="checkbox"/> Red or grey-green clay or concrete barrel or “S” tiles <input type="checkbox"/> Shallow slope (3:12 to 5:12) <input type="checkbox"/> Tight rakes (0” or 6”) <input type="checkbox"/> Relatively short eaves (6” or greater) <input type="checkbox"/> Scrolled rafter end or brackets
Walls	<ul style="list-style-type: none"> <input type="checkbox"/> Primary walls of smooth stucco <input type="checkbox"/> Significant use of slurried brick veneer, particularly on entire secondary walls or volumes <input type="checkbox"/> Colorful decorative tile (ceramic, terra cotta, or mosaic) as trims, in recesses, or as panels
Windows	<ul style="list-style-type: none"> <input type="checkbox"/> Parabolic or semi-circular feature windows <input type="checkbox"/> Rectangular vertical windows (single hung, double hung or casement) with vertically proportioned mullions <input type="checkbox"/> Deep set in stucco walls
Details	<ul style="list-style-type: none"> <input type="checkbox"/> Ornamental use of brick (e.g. dentils around arched brick openings, dentils and corbelling at cornices, window heads – only within full-brick walls) <input type="checkbox"/> Scrolled wrought iron details (e.g. window grilles, gates, balconies) <input type="checkbox"/> Round and stacked barrel tiles as wall accents or in gables <input type="checkbox"/> X patterns: clay tiles used in balcony or porch rails or as wall surface ornamentation <input type="checkbox"/> Decorative tile door and window surrounds; cast stone surrounds in brick walls, with and without tile inlays <input type="checkbox"/> Monterey Style balcony elements with large scroll carved corbels <input type="checkbox"/> Full round, segmented, pointed or ogee arch elements, particularly in porch and entry elements <input type="checkbox"/> Square piers (brick or stucco) or narrow round cast concrete columns <input type="checkbox"/> Occasional use of shutters
Color	<ul style="list-style-type: none"> <input type="checkbox"/> Red toned slurried brick and white or light earth toned stucco, sometimes with ochre-colored stucco accents (cornice, window heads and sills, etc.)

Andalusian Home Examples



7. Prairie

The Prairie Style is most closely associated with Frank Lloyd Wright, as he and others developed it to create a unique American style of architecture, particularly for the Midwest. Because Wright disapproved of revival styles, his Prairie homes were devoid of familiar decorative stylistic elements, and where ornamentation occurred, it was usually very geometric and abstract. Like many styles, use of it and its variants have migrated to other parts of the country.

Houses in the Prairie Style are characterized by an overall horizontal emphasis that is reinforced by long, low proportions, shallow-pitched (typically hip) or flat roofs with wide overhangs, banded (ribbon) casement windows, and low, wide chimneys. Floor plans generally take a variety of arrangements: square, L-shaped, T-shaped, Y-shaped and pinwheel. The spaces and structures are generally organized around a central chimney. Though horizontal, many Prairie homes have two-stories, often in a centrally located position with one-story wings or porches. However, one regional variation developed into a box-like, two-story house with the same low-pitched hip roofs and wide overhangs but only emphasized the square plan.

Prairie Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none"> ❑ Horizontal massing ❑ Central two-story element with one-story wings arranged around a large central chimney ❑ Also may be two-story “boxes” with horizontal emphasis in detailing with flat-roofed, one-story “attachment”
Roof	<ul style="list-style-type: none"> ❑ Primarily hipped with soffitted eaves ❑ Occasional swept-back main gable main section where peak projects further than eaves ❑ Shallow pitch (3:12 to 5:12) ❑ Flat concrete tile or slate ❑ Deep overhangs: 24” or more (36” preferred)
Walls	<ul style="list-style-type: none"> ❑ Belt course between stories often occurring at window sill height: cast stone or painted wood appearance ❑ Stucco, brick, or stone as primary and secondary materials with cast stone cap on “wainscot” bases of stone or brick ❑ Color blocking
Windows	<ul style="list-style-type: none"> ❑ Casements (sometimes single-hung) banded into horizontal groups ❑ “Compressed” at upper story (window heads tight to eaves; banding at sills) ❑ Art glass (stained or clear) in some windows as accent
Details	<ul style="list-style-type: none"> ❑ Often have “hidden” or off-center entries ❑ Entry doors often deep set (12” or more) and sometimes broadly arched with pronounced, sometimes decorative surrounds ❑ Massive square piers and porch supports
Color	<ul style="list-style-type: none"> ❑ Schemes consisting of three colors (included natural materials) ❑ Field colors are typically light to medium earth tones ❑ Darker earth tone trim colors contrast the field color ❑ Windows frames are the third color, also a darker but more lively color (e.g. maroon)

Prairie Home Examples



8. Art Moderne

Another style whose aim was to break with the tradition of reviving historical styles was Art Moderne, which is also referred to as Streamline Moderne. Some debate exists regarding how closely it is related to the showy Art Deco style, but what is certain, however, is that it gained popularity in the early days of the depression just as Art Deco's was fading. Henderson's downtown is one place where this style took root.

The style reflected the spirit of the early 20th century and was inspired by technology and the emerging love affair America had with machines. Being based on many of the principles of the Bauhaus movement such as open floor plans, pure forms and utility without ornamentation, the Art Moderne is simple and functional.

In particular, this style displayed an intense fascination with speed. Its curves and horizontality was derived chiefly from high-speed modern transportation machines: the airplane, the automobile and even the mighty ocean liner. The sense of movement was achieved by narrow and horizontal bands of windows that frequently wrapped corners, horizontal layering on the façades, asymmetry, and the distinctly absent pitched roof and eaves.

Art Moderne Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Horizontal orientation❑ Cube-like shapes❑ Sleek, streamlined appearance❑ Rounded corners, semi-circular bays❑ Asymmetrically composed
Roof	<ul style="list-style-type: none">❑ Flat roof hidden by low parapet (no cornices or eaves)
Walls	<ul style="list-style-type: none">❑ Smooth, usually stucco but also masonry❑ Simple horizontal accents (grooves or bands)
Windows	<ul style="list-style-type: none">❑ Glass block panels, particularly at rounded corners and bays❑ Horizontal rows of narrow-framed windows❑ Wraparound windows at rounded corners❑ Round windows (like ship portholes)
Details	<ul style="list-style-type: none">❑ Little or no ornamentation❑ Coped or stepped parapets❑ Ceramic tile and stainless steel accents❑ Pipe railings
Color	<ul style="list-style-type: none">❑ Typically white, but also some light earth tones❑ Blond or buff colored brick❑ Contrasting trim colors, typically bright or dark

Art Moderne Home Examples



9. Craftsman Style

Craftsman style homes originated in America in the early 1900s, with influences from the Arts and Craft movement England in the late 1800s, English bungalows from India, alpine chalets, and even some oriental construction details. It was partly a response to the “machine-made” aesthetic of the industrial revolution, which was at its peak. The Craftsman style is attributed to designers such as Gustav Stickley, Charles and Henry Greene, and Bernard Maybeck.

The Craftsman style also developed as a contradiction to the Victorian era that preceded it. It was the first style that emphasized simple, natural materials and functionality. Details were simple, in contrast to the “gingerbread” ornamentation of Victorian style homes. The wood was originally stained instead of painted, and the interiors featured built-in cabinets, buffets and benches. The moldings and other trim work were simple shapes, which collectively could create visually complex designs.

Craftsman Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none"> ❑ Simple rectangular massing, one and two stories ❑ Broad roof or trellis covered porches ❑ Exposed porch structures
Roof	<ul style="list-style-type: none"> ❑ Usually gable, hip and shed roof configurations ❑ Multiple roof planes ❑ Large shed of gabled dormers ❑ Front, side, or cross-gabled, low-pitched roofs (3.5:12 to 6:12) ❑ Roof-overhangs of 24” or more supported by triangulated “knee” braces, supported by exposed beams and rafter tails
Walls	<ul style="list-style-type: none"> ❑ Exterior cladding usually horizontal lap or shingle siding, sometimes both ❑ Masonry foundations, flared downward
Windows	<ul style="list-style-type: none"> ❑ Typically individual casement, double-hung or single-hung wood frame windows – sometimes grouped and often with transoms or divided light sash over single pane sash ❑ Small high, square windows in rows of 3 or more and/or flanking each side of chimney ❑ Stained glass windows used as accent ❑ Stained wood doors with stained or beveled glass panels
Detail	<ul style="list-style-type: none"> ❑ wooden columns with brick or stone bases, and ❑ Thick and heavy posts with right-angled corners and usually flared downward – i.e. battered – either entirely of stone or of wood with stone bases <ul style="list-style-type: none"> ❑ Trim work usually of similar width for rake and exterior casings ❑ Decorative braces, beam end and rafter tails under gables ❑ River rock or brick foundations and chimneys ❑ Simple, large exposed attic vents ❑ Trellised porch or port-cochere
Color	<ul style="list-style-type: none"> ❑ Typically painted or stained in color schemes of 3 to 5 colors from a single color palette ❑ Base colors are typically dark earth tones – browns or greens ❑ Contrasting trim colors – light for dark homes, dark for light homes ❑ Window frames and rafter tails a separate accent color – closer in shade to base color ❑ Sometimes mixed palettes – e.g. maroon base, olive trim, and dark brown window frames

Craftsman Home Examples



10. Bungalow

Bungalows as we know them first appeared in California around the end of the 19th century, having evolved as a subset of the California Craftsman movement, which sought to preserve simplicity and craftsmanship in architecture. In its many variants, the Bungalow became one of this country's most common and versatile styles.

Though one of the Bungalow's most prominent features is its shallow pitched, sweeping gabled roof with wide gable and eave overhangs, its signature feature its long porch/veranda across the front of the house, whose roof is a broad extension of the main roof. A prominent shed or gable dormer is also a common feature. Though there are excellent examples of two story bungalows, they are typically one-and-a-half stories.

Due to the Craftsman influence, building materials are typically of a "natural" type including fieldstone, flagstone, brick, tile, stucco and wood trim painted in earth tones. Other styles such as Shingle, Colonial Revival, Victorian, and even Spanish Colonial Revival influenced variations over time, hence the variety of exterior materials. The deep eaves often have exposed rafters and feature prominent carpenter-made brackets called "knee braces."

Bungalow Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Simple 1½ to 2 story boxy massing❑ Prominent front porch: full or nearly full width of front❑ Secondary attachments massing
Roof	<ul style="list-style-type: none">❑ Predominantly shallow gable side-to-side or front-to-back❑ Shed or shallow gable roof over porch❑ Shed roof over secondary massing❑ Shed, gable dormer or attic "pop-up"❑ Flat concrete tile❑ 18" rake overhangs; 24" eave overhangs❑ Shallow pitch (3.5:12 to 6:12)
Walls	<ul style="list-style-type: none">❑ Brick or stone wainscot or foundation❑ Sand finish stucco, brick, shingles, lap siding: alone or in combinations (e.g. stucco walls with shingle gables)
Windows	<ul style="list-style-type: none">❑ Typically vertical rectangular with mullions in upper portion; some square windows❑ Single, double-hung, or casement (no sliding windows)❑ Commonly grouped in sets of two and three❑ Front windows are typically large
Details	<ul style="list-style-type: none">❑ Battered/heavy square porch columns or posts on stone piers❑ Wood porch railings or solid balustrade❑ Shaped header trim at windows and doors❑ Shaped purlin ends or simple knee braces under rake eaves❑ Simple shaped, ornamental rake board ends
Color	<ul style="list-style-type: none">❑ May vary depending on stylistic influence❑ Generally light or very deep earth tones with contrasting trim and accent colors

Bungalow Home Examples



11. Brownstone

Originally 4 to 6 story buildings constructed in the 1800s and early 1900s in cities such as Boston, New York, and Chicago, a "brownstone" is generally understood to be a subset of the rowhouse typology but specifically clad in brownstone, a red-brown sandstone. These homes typically had staircases from the sidewalk to a second-floor entrance, which was necessary to avoid bringing in the mud and horse droppings commonly found at street level in their early days.

Brownstone as a material, however, lost popularity around 1900 in part due to rapid deterioration of carved surface details as a result of weathering. Nevertheless, the term "brownstone" still survives and is generally defined as an urban, fairly narrow, vertical house of at least two stories that is one in a row of identical or very similar houses situated side-by-side and sharing common walls – i.e. zero lot line – and clad with stone or masonry materials instead of sandstone.

Massing is generally simple, and the roofline of a row of brownstones usually forms a consistent parapet or eave height (or stepped if grade requires). Since brownstones were more characterized by their material (and the stone mason's skill) than stylistic elements, their contemporary successors can take on a variety of appearances and incorporate any of a number of stylistic trimmings, from the spare to the ornate. However, regardless of the style, it is applied consistently or compatibly from house to house such that all contribute to a cohesive street composition.

Brownstone Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Individual units are proportionally taller than they are wide❑ At least two stories in height but usually more❑ Each unit the same as or similar to its neighbor❑ Generally a flat façade from which massing elements may project❑ Attached staircase at street level❑ May have multi-story bay or bow front elements❑ Consistent height from unit to unit❑ Collectively form a cohesive street façade
Roof	<ul style="list-style-type: none">❑ Flat with decorative parapet or❑ Pitched with eaves facing street – may have dormers or gables
Walls	<ul style="list-style-type: none">❑ Stone or brick (or other small scaled masonry)
Windows	<ul style="list-style-type: none">❑ Simple double-hung windows❑ Projecting bow or bay windows that extend to the ground❑ Oriel windows (that project but do not touch the ground)
Details	<ul style="list-style-type: none">❑ Depends on applied style – e.g. Romanesque vs. Federal❑ Common elements: copper (patina) accents, black ornamental ironwork
Color	<ul style="list-style-type: none">❑ If unpainted, generally the color of the masonry material used.❑ If painted, can vary but generally light or pastel colors❑ Materials or paint color may vary from house to house

Brownstone Home Examples



12. Desert Contemporary/Modern

Desert contemporary (or modern) is reminiscent of early to mid 20th century modern architecture, which was “contemporary” in its sharp, generally unadorned exterior corners, stucco masonry, flat roofs and large overhangs, pop-outs, recesses, and large areas of glass. Another of its defining characteristics was its mantra of “form follows function.”

Because many of these characteristics such as stucco, which weathers well, large overhangs, which provide shade from the midday sun, and the unadorned planar forms, which are enhanced by the intense sun, as well as its adaptability, this loosely defined style is particularly well suited to the desert climate.

However, because it is more of an aesthetic than a formal style, and because by its very nature, it has great flexibility (remember, form follows function) and free-form “rules,” it can take on many shapes and appearances (refer to examples on the following page). For each example that is rendered in monochrome white, there is another that is multi-colored in a composition of varying earth tones, pastels, or bold hues. For each that looks like a modern machine, there is another that appears to be a contemporary variant of the ancient pueblo. For each whose exterior is smooth plaster with strictly rectangular elements, there exists another that incorporates native stone veneers with metal canopies and curved roof forms.

Because this “style” is so variable and may mean widely different things to different people, it is difficult to provide standards that would not limit design in some way. Therefore, in the interest of promoting the best desert contemporary designs, no table of style elements is included here. Rather, it shall be up to the individual architect to provide a high quality design that complements the Cadence environment. Such designs shall be fully described and presented to the CDRC and the City for review and approval.

Desert Contemporary/Modern Home Examples



13. American Traditional

Asymmetrical massing with wood porches and classical square railings. Simplified cornice trim at gable ends and louvered shutters. Wall are siding and stucco.

American Traditional Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Asymmetrical massing
Roof	<ul style="list-style-type: none">❑ Roof eaves have little to no overhang❑ Low- intermediate pitched roofs❑ Often with gable with cornice trim
Walls	<ul style="list-style-type: none">❑ Siding (excluding vinyl)❑ Stucco
Windows	<ul style="list-style-type: none">❑ Double hung multi-panes❑ Louver shutters
Details	<ul style="list-style-type: none">❑ Front porches made of wood❑ Classical square railings and details
Color	<ul style="list-style-type: none">❑ Neutral/Natural colors

American Traditional Home Examples



14. Traditional Ranch

Sprawling single story, wide facade, front-facing garage, low-pitched roof, asymmetrical facade.

Loosely based on Spanish colonial houses in the Southwest, the Ranch house is a creation of car culture: When homeowners began using their cars for transportation, they could put their houses farther apart on larger plots of land. Along with the split-level of the 1950s and 60s and the builder's shed of 1970s and 1980s, the Ranch was one of the dominant house forms of the second half of the 20th century.

Building materials include brick, stone, siding, shake or slate roofs, dormer windows, shutters, wide eaves, and porches. This style incorporates deeply recessed openings, pot shelves, and architectural pop-outs.

Traditional Ranch Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ One story rectangular massing❑ Generally built low to the ground❑ Garage attached to main facade
Roof	<ul style="list-style-type: none">❑ Hipped or side gabled roof❑ Roof with overhang❑ Shake or slate roofs
Walls	<ul style="list-style-type: none">❑ Siding (excluding vinyl)❑ Possibly brick
Windows	<ul style="list-style-type: none">❑ Large picture windows❑ Dormer windows❑ Shutters
Details	<ul style="list-style-type: none">❑ Integrated planters❑ Architectural popouts such as built in grill and swimming pool❑ Cover porches
Color	<ul style="list-style-type: none">❑ Red, Creams, Grays

Traditional Ranch Home Examples



15. Southern Italian

This style begins with formal box-like massing topped with low-pitched hip roof with barrel shaped or flat roof tiles. This roof line spills over the wide overhanging eaves supported by decorative brackets. Façade treatment is generally symmetrical with arched windows and doors common on the first floor. The entry is often accentuated with classical columns.

Southern Italian Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Formal, box-like massing
Roof	<ul style="list-style-type: none">❑ Low pitched hip roof❑ Barrel shaped and flat roof tiles
Walls	<ul style="list-style-type: none">❑ Symmetrical façade❑ Masonry element
Windows	<ul style="list-style-type: none">❑ Arched windows❑ Placement symmetrical on facade
Details	<ul style="list-style-type: none">❑ Decorative baskets❑ Grille work
Color	<ul style="list-style-type: none">❑ Tans, beige, and earth tones

Southern Italian Home Examples



16. Mediterranean

Influenced by the area from which it is named, this style became extremely popular in the U.S. from 1918 to 1940. The homes were modeled after the hacienda style, with red tile roofs, arches and plaster surfaces. This style is very popular again and features a lot of the original design elements, including porticos, balconies, and ornamental details such as heavy wooden doors and multicolored tiles.

Asymmetrical combination of 1 and 2 story masses articulated with tower elements or arcades. Low pitched gable roof forms are predominant with occasional hips done in red tile. Use of arch elements at doors or featured windows and abundant use of decorative elements such as patterned tiles, grille work and shutters.

Mediterranean Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ 1-2 story masses❑ Tower elements and arcades
Roof	<ul style="list-style-type: none">❑ Low pitched❑ Gabled with occasional hips❑ Red tiles
Walls	<ul style="list-style-type: none">❑ Smooth surface❑ Curved features❑ Masonry element
Windows	<ul style="list-style-type: none">❑ Arched❑ With shutters
Details	<ul style="list-style-type: none">❑ Arch elements❑ Decorative elements like tiles and grille work
Color	<ul style="list-style-type: none">❑ Earth tones, white, beige

Mediterranean Home Examples



17. Contemporary

Some folks consider contemporary and modern architecture to be essentially the same. However, contemporary refers to today's building styles, which can vary in design and appearance. Both styles are similar in that they look to connect indoors and outdoors, but contemporary homes tend to emphasize energy efficiency, sustainable materials, lots of natural light and the use of recycled non-toxic materials.

A contemporary adaptation of traditional vernaculars, executed with a fresh, contemporary approach. Contemporary architecture is an exploration of modern architectural vocabulary the best embodies a unique urban character.

Contemporary Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Single story or 2 story massing
Roof	<ul style="list-style-type: none">❑ Low pitched❑ Gabled❑ Overhanging eaves❑ Roof beams exposed
Walls	<ul style="list-style-type: none">❑ Broad expanses of uninterrupted wall surface❑ Entry door recessed or obscured❑ Masonry element
Windows	<ul style="list-style-type: none">❑ Windows generally present in gable ends
Details	<ul style="list-style-type: none">❑ Asymmetrical details
Color	<ul style="list-style-type: none">❑ Generally earth tones, whites and greys with a small pop of color

Contemporary Home Examples



18. Mid Century

Mid-Century Modern denotes a style of design that was popularized from the 1930s through the 1960s. Characterized by a contemporary, seemingly futuristic aesthetic and an emphasis on function, the Mid-Century Modern movement influenced many types of design. These include interior, product, industrial, and graphic design, as well as urban planning and architecture, which remains the most well-known Mid-Century Modern example.

Characterized by flat planes, large glass windows and open space, the style focused on simplistic design and seamless integration of nature. World War II brought new materials, such as steel and plywood, to the forefront of architecture and design, and helped to enlighten new ways of thinking about residential living.

Mid Century Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Single story massing
Roof	<ul style="list-style-type: none">❑ Flat, low pitched roof❑ Often angular❑ Possibly exposed roof beams
Walls	<ul style="list-style-type: none">❑ Larger❑ Open space❑ Thermal massing❑ Breeze block❑ Masonry element
Windows	<ul style="list-style-type: none">❑ Very angular and geometric❑ Clerestory windows❑ Large windows
Details	<ul style="list-style-type: none">❑ Sleek design❑ Simple lines
Color	<ul style="list-style-type: none">❑ Whites and tans, with pops of color

Mid Century Home Examples



19. Modern Rambler

A rambler, also known as a ranch-style house, is a domestic architectural style that originated in the U.S. in the 1920s but was made most popular between the 1940s and 1970s. Ramblers are known for their long, low profile and minimal exterior and interior decoration. As a housing style, ramblers fuse modernist ideas with American West-period working ranches, resulting in an informal and casual living style.

Modern Rambler Style Elements	
Element	Typical Features
Form	<input type="checkbox"/> Single story massing
Roof	<input type="checkbox"/> Slightly hipped roof
Walls	<input type="checkbox"/> Siding or Brick <input type="checkbox"/> Wood composite
Windows	<input type="checkbox"/> Large natural light <input type="checkbox"/> Large picture windows
Details	<input type="checkbox"/> High interior ceilings
Color	<input type="checkbox"/> Natural and earth tones

Modern Rambler Home Examples



20. Modern Farmhouse

The key to Modern Farmhouse decor is a clean and simple approach. There's no fuss or embellishment, just straight lines and modest ornamentation. It is a form of minimalism, although much warmer than most. Bottom line: Modern Farmhouse interior design focuses on practicality and comfort.

Modern Farmhouse Style Elements	
Element	Typical Features
Form	<ul style="list-style-type: none">❑ Single or 2 story massing❑ Large covered porch
Roof	<ul style="list-style-type: none">❑ Often metal roofs❑ Metal seam roofs❑ Pitched/dormer roofs
Walls	<ul style="list-style-type: none">❑ Woodwork❑ Natural stonework❑ Brick❑ Hardie Board siding❑ Wood composite
Windows	<ul style="list-style-type: none">❑ Large❑ Shutters
Details	<ul style="list-style-type: none">❑ Modest ornamentation❑ Exposed beams
Color	<ul style="list-style-type: none">❑ Natural colors and materials

Modern Farmhouse Home Examples

